

Journal of the Senate

SIXTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 27, 2001—10:00 a.m.

The Senate was called to order by President Dave Kerr.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

As Topeka strives to be one of the Cities of Character, citizens have been asked this month to practice the character trait known as DECISIVENESS. It so happens that it is an appropriate trait for these days in the legislature.

It certainly is essential
To gather information
Before we introduce
Potential legislation.

The information tells us
It's time for a debate
As to which solution
Will benefit the state.

After the debating
It will come as no surprise
There is bound to be
Some kind of compromise.

But even compromising
Doesn't mean we all agree;
Instead of one solution
We may have two or three.

And there's another factor
That we must consider:
If we stay here very long
The public gets the "jitters".

So it is inevitable
That there will come a time
When we will need You, Lord,
To help make up our minds.

This is called decisiveness;
It's admired by one and all;
And hopefully it will resolve
Our problem of short fall.

I pray in the Name of Christ,
AMEN

GUESTS

President Kerr introduced visitors from the Ukraine, in Kansas attending an international conference titled "Building a Vital U.S.-Ukraine Partnership", hosted by the Kansas National Guard, the University of Kansas and Fort Leavenworth. This is the first meeting held in Kansas. Past meetings have been held at Harvard University. Kansas entered the Partnership for Peace Program with Ukraine in 1996 as an associate to California. The conference addresses Ukrainian economic, security and military issues, the dimensions of the Health and Medical environment. They will also examine civil-military relations in a democratic society, peacekeeping lessons learned and the future of the Partnership Program. Accompanying the visitors was Professor Alex Tsiovkh from KU, acting as an interpreter.

President Kerr and members of the Senate welcomed them with a standing ovation.

PRESENTATION OF PETITIONS

The following petitions were presented, read and filed:

SP 8, by Senator Lana Oleen: A petition opposing any potential increase in the beer tax, signed by Louis Clark and 10 others from Manhattan, Kansas.

SP 9, by Senator Sandy Praeger: A petition asking the Senate to pass and sign a law raising taxes for more state funding for schools, signed and submitted by Michelle Ramirez and 56 others from Lawrence, Kansas.

SP 10, by Senator Pete Brungardt: A petition requesting your favorable consideration of legislation for a "NO" vote on any potential increase in the beer tax, signed by M. Egan and seven other citizens of Kansas at Vidricksen Distribution Company, Inc. in Saline County.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Assessment and Taxation: **HCR 5032**.

MESSAGE FROM THE GOVERNOR

April 25, 2001

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 01-308 for your information.

Sincerely,

BILL GRAVES

Governor

The President announced Executive Directive No. 01-308, Authorizing Certain Expenditures, is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

Announcing the House adopts the conference committee report on **SB 218**.

The House adopts the conference committee report on **SB 237**.

The House nonconcurrs in Senate amendments to **HB 2059**, requests a conference and has appointed Representatives Boston, Jim Morrison and Showalter as conferees on the part of the House.

ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub for SB 112; SB 160; Sub SB 171; SB 186, SB 218, SB 237; HB 2059, HB 2083; Sub HB 2532**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Wagle moved the Senate concur in house amendments to **SB 160**.

SB 160, An act concerning the dental practices act; relating to licensure and fees; amending K.S.A. 2000 Supp. 65-1431, 65-1447 and 65-1456 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Wagle moved the Senate concur in house amendments to **SB 186**.

SB 186, An act concerning the behavioral sciences regulatory board; relating to professions regulated by the board; investigations and procedures conducted by the board; access to evidence; issuance of subpoenas; confidentiality of information; amending K.S.A. 38-1522, 39-1402, 39-1431 and 74-7508 and K.S.A. 2000 supp. 59-2946, 65-5804a, 65-5807, 65-6404, 65-6405 and 74-5363 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 65- 5804 and 65-5811.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 218**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 14 through 42 and inserting in lieu thereof the following:

"Section 1. K.S.A. 25-4143 is hereby amended to read as follows: 25-4143. As used in the campaign finance act, unless the context otherwise requires:

(a) "Candidate" means an individual who: (1) Appoints a treasurer or a candidate committee;

(2) makes a public announcement of intention to seek nomination or election to state or local office;

(3) makes any expenditure or accepts any contribution for such person's nomination or election to any state or local office; or

(4) files a declaration or petition to become a candidate for state or local office.

(b) "Candidate committee" means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.

(c) "Clearly identified candidate" means a candidate who has been identified by the:

(1) Use of the name of the candidate;

(2) use of a photograph or drawing of the candidate; or

(3) unambiguous reference to the candidate whether or not the name, photograph or drawing of such candidate is used.

(d) "Commission" means the governmental ethics commission.

(e) (1) "Contribution" means:

(A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value given to a candidate, candidate committee, party committee or

political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.

(B) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) a transfer of funds between any two or more candidate committees, party committees or political committees;

(D) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign or to or for any such committee;

(E) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events;

(F) a mailing of materials designed to expressly advocate the nomination, election or defeat of a clearly identified candidate, which is made and paid for by a party committee with the consent of such candidate.

(2) "Contribution" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of \$50 per event.

(f) "Election" means:

(1) A primary or general election for state or local office; and

(2) a convention or caucus of a political party held to nominate a candidate for state or local office.

(g) (1) "Expenditure" means:

(A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made by a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.

(B) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) any contract to make an expenditure;

(D) a transfer of funds between any two or more candidate committees, party committees or political committees; or

(E) payment of a candidate's filing fees.

(2) "Expenditure" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of \$50 per event; or

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to expressly advocate the nomination, election or defeat of a clearly identified candidate.

(h) "Expressly advocate the nomination, election or defeat of a clearly identified candidate" means any communication which uses phrases including, but not limited to:

(1) "Vote for the secretary of state";

(2) "re-elect your senator";

- (3) "support the democratic nominee";
- (4) "cast your ballot for the republican challenger for governor";
- (5) "Smith for senate";
- (6) "Bob Jones in '98";
- (7) "vote against Old Hickory";
- (8) "defeat" accompanied by a picture of one or more candidates; or
- (9) "Smith's the one."
 - (i) "Party committee" means:
 - (1) The state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, *and amendments thereto*;
 - (2) the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, *and amendments thereto*;
 - (3) the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated;
 - (4) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the senate; ~~or~~
 - (5) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives; *or*
 - (6) *not more than one political committee per congressional district established by the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and designated as a congressional district party committee.*
 - (j) "Person" means any individual, committee, corporation, partnership, trust, organization or association.
 - (k) (1) "Political committee" means any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office.
 - (2) "Political committee" shall not include a candidate committee or a party committee.
 - (l) "Receipt" means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in the treasurer's official capacity.
 - (m) "State office" means any state office as defined in K.S.A. 25-2505, and amendments thereto.
 - (n) "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise contributions for such candidate's campaign. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.
 - (o) "Treasurer" means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under the campaign finance act or a treasurer of a combination of individuals or a person other than an individual which is subject to paragraph (2) of subsection (a) of K.S.A. 25-4172, and amendments thereto.
 - (p) "Local office" means a member of the governing body of a city of the first class, any elected office of a unified school district having 35,000 or more pupils regularly enrolled in the preceding school year, a county or of the board of public utilities.

Sec. 2. K.S.A. 25-4143 is hereby repealed.";

In the title, in line 10, by striking "elections; relating to provisional ballots" and inserting: "campaign finance; relating to district party committees"; in line 11, by striking "25-409" and inserting "25-4143";

And your committee on conference recommends the adoption of this report.

TONY POWELL
 TED POWERS
Conferees on part of House

BARBARA ALLEN
KAY O'CONNOR
Conferees on part of Senate

Senator Allen moved the Senate adopt the Conference Committee Report on **SB 218**.

On roll call, the vote was: Yeas 30, Nays 10, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Clark, Corbin, Donovan, Emler, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Barone, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Lee, Steineger.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 237**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, in line 23, before "Sections" by inserting "(a)"; after line 24, by inserting:

"(b) Implementation of the provisions of the water banking act shall be subject to the availability of appropriations for that purpose.";

On page 2, in line 19, by striking "is authorized to provide" and inserting "provides";

On page 3, in line 12, by striking "may" and inserting "shall"; in line 42, by striking "and";

On page 4, in line 2, after "engineer" by inserting "; and

(9) the operation of safe deposit accounts by the bank shall not result in an increase in the amount of net consumptive use of water in any hydrologic unit, computed on a long-term rolling average compared to a representative past period";

On page 5, in line 27, after the semicolon, by inserting "and"; by striking all in lines 30 through 43;

On page 6, by striking all in lines 1 and 2; in line 7, before the period, by inserting "; and

(11) the charter provides a procedure for the dissolution of the bank, specifically stating how the remaining deposits and safe deposit accounts will be distributed";

Also on page 6, in line 11, by striking "shall" and inserting "may";

On page 7, in line 12, by striking "geological survey" and inserting "water office"; in line 15, by striking "geological survey" and inserting "water office"; after line 16, by inserting:

"(2) the director of the Kansas geological survey, or the director's designee";

Also on page 7, in line 17, by striking "(2)" and inserting "(3)"; in line 19, by striking "and"; in line 20, by striking "(3)" and inserting "(4)"; in line 26, before "(D)", by inserting "and"; in line 28, by striking "(E)", beginning a new paragraph and inserting "(5)"; in line 30, by striking "; and (F)" and inserting "selected by the board of directors of such district; and

(6)";

Also on page 7, in line 32, before the period, by inserting "selected by the board of directors of such district"; in line 33, by striking "geological survey" and inserting "water office"; in line 39, by striking "energy and";

On page 8, in line 10, after the semicolon, by inserting:

"(5) the bank's impact on the entire area of all hydrologic units any parts of which are encompassed in the bank's boundary";

Also on page 8, in line 12, by striking "(5)" and inserting "(6)";

On page 9, in line 2, by striking "geological survey" and inserting "water office"; in line 8, after "treasurer", by inserting "in accordance with the provisions of K.S.A. 75-4215, and amendments thereto,"; in line 28, by striking "geological survey" and inserting "water office"; in lines 28 and 29, by striking "geological survey" and inserting "water office"; in line 29, after "treasurer", by inserting "in accordance with the provisions of K.S.A. 75-4215,

and amendments thereto.”; in line 30 by striking “geological survey” and inserting “water office”; in line 33, by striking “geological survey” and inserting “water office”; in line 34, by striking “geological survey” and inserting “water office”; in line 35, by striking “geological survey’s” and inserting “water office’s”; in line 39, by striking “geological survey” and inserting “water office”; in lines 40 and 41, by striking “geological survey” and inserting “water office”;

On page 10, in line 1, by striking “geological survey” and inserting “water office”; in line 4, by striking “geological survey” and inserting “water office”;

On page 11, in line 21, by striking “beneficial” and inserting “designated”;

On page 17, in line 37, by striking “the” and inserting “: (A) The”; in line 40, before the period, by inserting “; or (B) if the holder of a groundwater water right shows to the satisfaction of the chief engineer that the holder has implemented significant water conservation measures during calendar years 1996 through 2000, the average amount of water actually used for a beneficial use under such right during the five calendar years immediately before the calendar year when such measures were implemented, excluding any amount used in any such year in excess of the amount authorized by such water right”; in line 43, by striking all after “right”;

On page 18, in line 1, by striking “boundaries of” and inserting “which has not been deposited or placed in a safe deposit account in”; by striking all in lines 24 through 43 and inserting:

“(1) A separate term permit shall be required for each point of diversion.

(2) The quantity of water authorized for diversion shall be limited to the amount deposited pursuant to subsection (b)(4).

(3) The authorized place of use for the term permit shall not be greater than that authorized by the existing groundwater right.

(4) The chief engineer may establish, by rules and regulations, criteria for such term permits when the water right authorizes multiple points of diversion or multiple water rights authorize a single point of diversion or overlapping places of use.”;

On page 19, in line 1, by striking “(6)” and inserting “(5)”;

On page 20, in line 11, by striking “1” and inserting “16”; in line 22, after “power” by inserting “or dewatering”; after line 28, by inserting:

“Sec. 18. K.S.A. 82a-1030 is hereby amended to read as follows: 82a-1030. (a) In order to finance the operations of the district, the board may assess an annual water user charge against every person who withdraws groundwater from within the boundaries of the district. The board shall base such charge upon the amount of groundwater allocated for such person’s use pursuant to ~~his or her~~ such person’s water right. Such charge shall not exceed ~~sixty cents (60)~~ \$.60 for each acre-foot (325,851 gallons) of groundwater withdrawn within the district or allocated by the water right, *except that the annual user charge for the fiscal year of the district beginning on or after July 1, 2001, and before July 1, 2002, may be in an amount not exceeding \$.65.* Whenever a person shows by the submission to the board of a verified claim and any supportive data which may be required by the board that ~~his or her~~ such person’s actual annual groundwater withdrawal is in a lesser amount than that allocated by the water right of such person, the board shall assess such annual charge against such person on the amount of water shown to be withdrawn by the verified claim. Any such claim shall be submitted by April 1 of the year in which such annual charge is to be assessed. The board may also make an annual assessment against each landowner of not to exceed ~~five cents (5)~~ \$.05 for each acre of land owned within the boundaries of the district. Special assessments may also be levied, as provided hereafter, against land specially benefited by a capital improvement without regard to the limits prescribed above.

(b) Before any assessment is made, or user charge imposed, the board shall submit the proposed budget for the ensuing year to the eligible voters of the district at a hearing called for that purpose by one ~~(1)~~ publication in a newspaper or newspapers of general circulation within the district at least ~~twenty-eight (28)~~ 28 days prior to the meeting. Following the hearing, the board shall, by resolution, adopt either the proposed budget or a modified budget and determine the amount of land assessment or user charge, or both, needed to support such budget.

(c) Both the user charges assessed for groundwater withdrawn and the assessments against lands within the district shall be certified to the proper county clerks and collected the same as other taxes in accordance with K.S.A. 79-1801, and acts amendatory thereof or supplemental thereto, and the amount thereof shall attach to the real property involved as a lien in accordance with K.S.A. 79-1804, and acts amendatory thereof or supplemental thereto. All moneys so collected shall be remitted by the county treasurer to the treasurer of the groundwater management district who shall deposit them to the credit of the general fund of the district. The accounts of each groundwater management district shall be audited annually by a public accountant or certified public accountant.

(d) Subsequent to the certification of approval of the organization of a district by the secretary of state and the election of a board of directors for such district, such board shall be authorized to issue no-fund warrants in amounts sufficient to meet the operating expenses of the district until money therefor becomes available pursuant to user charges or assessments under subsection (a). In no case shall the amount of any such issuance be in excess of ~~twenty percent (20%)~~ 20% of the total amount of money receivable from assessments which could be levied in any one year as provided in subsection (a). No such warrants shall be issued until a resolution authorizing the same shall have been adopted by the board and published once in a newspaper having a general circulation in each county within the boundaries of the district. Whereupon such warrants may be issued unless a petition in opposition to the same, signed by not less than ~~ten percent (10%)~~ 10% of the eligible voters of such district and in no case by less than ~~twenty (20)~~ 20 of the eligible voters of such district, is filed with the county clerk of each of the counties in such district within ~~ten (10)~~ 10 days following such publication. In the event such a petition is filed, it shall be the duty of the board of such district to submit the question to the eligible voters at an election called for such purpose. Such election shall be noticed and conducted as provided by K.S.A. 82a-1031, *and amendments thereto*.

Whenever no-fund warrants are issued under the authority of this subsection, the board of directors of such district shall make an assessment each year for three ~~(3)~~ years in approximately equal installments for the purpose of paying such warrants and the interest thereon. All such assessments shall be in addition to all other assessments authorized or limited by law. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940, *and amendments thereto*, except they shall not bear the notation required by said statute and may be issued without the approval of the state board of tax appeals. Any surplus existing after the redemption of such warrants shall be handled in the manner prescribed by K.S.A. 79-2940, *and amendments thereto*.”;

Also on page 20, by renumbering the remaining sections accordingly; in line 29, before “and” by inserting “and 82a-1030”;

In the title, in line 19, after the semicolon, by inserting “relating to certain fees and charges;”; also in line 19, before “and” by inserting “and 82a-1030”;

And your committee on conference recommends the adoption of this report.

JOANN FREEBORN
BECKY HUTCHINS
VAUGHN L. FLORA
Conferees on part of House

TIM HUELSKAMP
MARK TADDIKEN
JANIS K. LEE
Conferees on part of Senate

Senator Huelskamp moved the Senate adopt the Conference Committee Report on **SB 237**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley,

Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2083**, submits the following report:

The Senate recedes from all of its amendments to the bill;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
EDWARD W. PUGH
GRETA GOODWIN
Conferees on part of Senate

MICHAEL O'NEAL
WARD LOYD
JANICE L. PAULS
Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2083**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2532**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 4, following line 14, by inserting the following:

"New Sec. 2. (a) There is created the Kansas territorial sesquicentennial commission. The commission shall be composed of nine residents of the state appointed by the governor, one of whom shall be designated by the governor as chairperson of the commission.

(b) Members of the commission shall serve without compensation or reimbursement of expenses.

(c) The commission is authorized to hire staff sufficient to carry out the purposes of sections 2 through 6, inclusive, and amendments thereto.

New Sec. 3. (a) There is hereby created an advisory committee to assist in the work of the Kansas territorial sesquicentennial commission. The advisory committee shall be composed of the following members:

(1) The executive director of the Kansas state historical society, who shall serve as chairperson of the advisory committee;

(2) the director of the Kansas humanities council or the director's designee;

(3) the director of the Kansas arts commission or the director's designee;

(4) the director of the division of travel and tourism development of the department of commerce and housing or the director's designee;

(5) the commissioner of education or the commissioner's designee;

(6) fifteen members appointed by the governor as follows: (A) Six members of history faculties of universities under the supervision of the state board of regents; (B) six members of history faculties of community colleges or private colleges or universities in the state; (C)

a representative of the travel industry association of Kansas; (D) a representative of the Kansas museums association; and (E) a representative of the territorial Kansas heritage alliance;

- (7) two members appointed by the speaker of the house of representatives;
- (8) two members appointed by the minority leader of the house of representatives;
- (9) two members appointed by the president of the senate; and
- (10) two members appointed by the minority leader of the senate.

(b) The chairperson of the advisory committee shall appoint a person to serve as secretary of the committee.

(c) Members of the advisory committee shall serve without compensation or reimbursement of expenses.

New Sec. 4. (a) The state motto, *ad astra per aspera* ("to the stars through difficulties"), references the seven-year struggle to make the Kansas territory into the 34th star of the United States flag. That struggle shall frame the remembrance of many of the important events in the territorial era that led to statehood, such as territorial elections in 1855, the battle of black jack in 1856, the Lecompton constitution in 1857, the marais des cygnes massacre in 1858 and many others.

(b) The year 2004 shall be considered the kick-off date for the remembrance and commemoration of the history, heritage and national impact of the Kansas territorial era and, ultimately, for the commemoration in January 2011 of the sesquicentennial of Kansas statehood.

(c) The sesquicentennial of the Kansas territory, 2004, will be commemorated commencing January 2004 during Kansas day ceremonies in Topeka. The Kansas territorial sesquicentennial commission shall prepare an overall program for commemorating the signing of the Kansas-Nebraska Act in 1854 and plan, encourage, develop and coordinate observances and activities commemorating the creation of the Kansas territory in 1854 and its implications, both positive and negative, for the peoples in the region and for the future. Special consideration will be given to the history, heritage and national impact of the Kansas territorial period.

(d) In preparing its plans and programs, the Kansas territorial sesquicentennial commission shall consider recommendations developed by the advisory committee and local and private groups. The commission may designate special committees with representatives from local and private groups to plan, develop and coordinate specific activities. The advisory committee shall recommend to the commission ways in which Kansans of all ages may become familiar with the events involved in the history of the territorial period in Kansas and the nation.

(e) The Kansas territorial sesquicentennial commission, no later than July 1, 2002, shall submit to the governor a comprehensive report incorporating the commission's specific recommendations for commemoration of the Kansas sesquicentennial and related events. The governor shall transmit the commission's report to the legislature. The report may recommend activities, including, but not limited to:

- (1) The production, publication and distribution of books, pamphlets, films and other education materials on the history, culture and political life of the people in the region during the territorial period;
- (2) the development of bibliographical and documentary projects and publications, a website and other interactive media;
- (3) conferences, convocations, lectures, seminars and other programs;
- (4) the development of libraries, museums, historic sites and exhibits, including mobile exhibits;
- (5) ceremonies and celebrations commemorating specific events;
- (6) programs and activities on the national and international significance of the territorial period in Kansas history;
- (7) the issuance of commemorative medals, seals, license plates and certificates of recognition; and
- (8) proposals for legislation and administrative action that the commission considers necessary to carry out the commission's recommendations.

(f) The Kansas territorial sesquicentennial commission, no later than January 15, 2005, shall submit to the governor and the legislature:

(1) A report of all activities sponsored or supported by the commission pursuant to sections 2 through 6, inclusive, and amendments thereto, and recommendations of how the state can support continued territorial sesquicentennial activities and events from 2005 to 2011; and

(2) recommendations for planning the sesquicentennial of Kansas statehood in 2011.

New Sec. 5. (a) In fulfilling its responsibilities, the Kansas territorial sesquicentennial commission shall consult, cooperate with and seek advice from appropriate state agencies, local and public bodies, learned societies and historical, patriotic, philanthropic, civil, professional and related organizations. State agencies shall cooperate with the commission in planning, encouraging, developing and coordinating appropriate commemorative activities.

(b) The chief executive officer of each state university shall cooperate with the commission, especially in the encouragement and coordination of scholarly works and presentations on the history, culture and political activities related to the territorial period in Kansas history.

(c) The state historical society and the state librarian shall cooperate with the commission, especially in the development and displays of exhibits and collections and in the development of bibliographies, catalogs and other materials relevant to the territorial period.

(d) The division of travel and tourism development of the department of commerce and housing shall cooperate with the commission in marketing to potential visitors to the state commemorative activities enabling visitors to experience the cultural heritage of Kansas.

New Sec. 6. (a) The Kansas territorial sesquicentennial commission is hereby authorized and empowered to accept donations, gifts, bequests and other contributions of money to be used in furthering sesquicentennial activities.

(b) (1) There is hereby created in the state treasury the sesquicentennial fund which shall be administered by the state historical society. The chairperson of the Kansas territorial sesquicentennial commission shall remit to the state treasurer all moneys received by or for the commission for the purposes of sections 2 through 6, inclusive, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the sesquicentennial fund.

(2) Moneys in the sesquicentennial fund shall be expended only for the purposes of sections 2 through 6, inclusive, and amendments thereto, and only upon approval of the Kansas territorial sesquicentennial commission.

(3) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the sesquicentennial fund interest earnings based on: (A) The average daily balance of moneys in the sesquicentennial fund for the preceding month; and (B) the net earnings rate for the pooled money investment portfolio for the preceding month.

(4) All expenditures from the sesquicentennial fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by a person authorized by the Kansas territorial sesquicentennial commission for the purposes set forth in this section.

New Sec. 7. The provisions of sections 2 through 6 of this act shall expire on July 1, 2005.”;

And by renumbering sections accordingly;

In the title, in line 14, after “concerning”, by inserting “certain state historical agencies and commissions; relating to”; also in line 14, after “society”, by inserting “; establishing the Kansas territorial sesquicentennial commission”;

And your committee on conference recommends the adoption of this report.

STEPHEN R. MORRIS
DAVID ADKINS
PAUL FELECIANO, JR.
Conferees on part of Senate

KENNY A. WILK
 MELVIN NEUFELD
 ROCKY NICHOLS
Conferees on part of House

Senator Morris moved the Senate adopt the Conference Committee Report on **Sub HB 2532**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Barnett and Tyson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1849—

A RESOLUTION congratulating and commending Emily Bloss.

WHEREAS, Emily Bloss, of Wellsville, finished her collegiate basketball career at Emporia State University this Spring as a four-year letter winner and as a three-year starter for the Lady Hornets. She missed only one game in her four years at Emporia State University and participated in 119 wins, the most by any basketball player at Emporia State University or the Mid-America Intercollegiate Athletic Association (MIAA); and

WHEREAS, As a senior during the 2000-2001 season, Emily Bloss was named as a 1st Team Kodak All-American, 1st Team CoSIDA All-American, was a unanimous 1st Team All-MIAA and the MIAA Most Valuable Player, named 1st Team All-South Central Region, Academic All-American of the Year and NCAA Division II Player of the Year by CoSIDA. She led the MIAA in scoring with 20.6 points per game, was MIAA Player of the Week four times and had two 30 point games back-to-back. She is second on Emporia State University's career scoring list with 1,915 points; and

WHEREAS, For the 2000-2001 season, the Emporia State University women's basketball team was the champion of the MIAA regular season and postseason tournament, the NCAA Division II South Central Region runnerup and advanced to the NCAA Division II Sweet 16 level; and

WHEREAS, Emily Bloss is a recreation major and is a member of the MIAA Commissioner's All-Academic team; and

WHEREAS, While at Wellsville High School Emily Bloss lettered in cross country, volleyball, basketball and track. She was named All-State in basketball averaging 19.4 points and was a four-year State Champion in the 400 meter run; and

WHEREAS, Emily Bloss is the daughter of Ronald and Janice Bloss of Wellsville: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Emily Bloss upon the completion her outstanding career as a basketball player and student athlete at Emporia State University; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Dr. Kay Schallenkamp, President, Emporia State University; Kent Weiser, Athletic Director, Emporia State University; Brandon Schneider, Women's Basketball Coach, Emporia State University, and Don Weast, Sports Information Director, Emporia State University; all at 1200 Commercial, Campus Box 4020, Emporia, Kansas 66801; and to Mr. and Mrs. Ronald Bloss, P.O. Box 313, Wellsville, Kansas 66092.

On emergency motion of Senator Barnett **SR 1849** was adopted unanimously.

Senator Barnett welcomed and congratulated Emily on her athletic accomplishments.

Accompanying Emily were her parents Janice and Ronald Bloss, grandmother, Mary Anderson, Tom and Dee Sponamore, Cleo Whittman; Clay Blair, Chairman, Board of

Regents; Dr. Kay Schallenkamp, ESU President; Joseph Biggs, Assistant Athletic Director for External Affairs; Carmen Nelon, Assistant Athletic Director for Internal Affairs; Brandon Schneider, Head Coach and Don Weast, Sports Information Director.

Senators Brownlee and Gilstrap introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1850—

A RESOLUTION congratulating and commending the St. Thomas Aquinas High School girls basketball team and Coach Rick Hetzel for winning the 2001 Class 6A girls state basketball championship.

WHEREAS, The St. Thomas Aquinas high school girls basketball team won the 2001 Kansas State High School Activities Association Class 6A girls state basketball championship with a thrilling 58-49 victory over Hutchinson High School in the state championship game at White Auditorium in Emporia on March 10, 2001. Their championship victory was particularly meaningful since it came just six weeks after the team suffered their only loss of the season when they were beaten by Hutchinson High School in the final game of a mid-season tournament; and

WHEREAS, The St. Thomas Aquinas High School "Saints" girls basketball team finished the season with a 24-1 record. This was the team's first year to compete in Class 6A competition, and the school is deservedly proud to claim their first Class 6A championship; and

WHEREAS, The members of this outstanding basketball team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The success of this team is due to its excellent teamwork, strong competitive spirit and determination to win plus the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the St. Thomas Aquinas High School girls basketball team and Coach Hetzel be congratulated and commended for winning the 2001 Kansas State High School Activities Association Class 6A girls state basketball championship; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Adam Holden, Principal, St. Thomas Aquinas High School, 11411 Pflumm Road, Overland Park, Kansas 66215.

On emergency motion of Senator Brownlee **SR 1850** was adopted unanimously.

Members of the St. Thomas Aquinas High School girls basketball team and coaches were guests.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2504; HB 2592, HB 2596.**

Also, passage of **SB 52**, as amended by **House Substitute for SB 52; SB 100**, as amended; **SB 304**, as amended by **House Substitute 304; SB 332**, as amended by **House Substitute 332.**

The House nonconcurrs in Senate amendments to **HB 2563**, requests a conference and has appointed Representatives Mays, Hutchins and Rehorn as conferees on the part of the House.

The House concurs in Senate amendments to **Senate Substitute for HB 2155.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2504; HB 2592, HB 2596 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Morris, the Senate acceded to the request of the House for a conference on **HB 2059.**

The President appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

REPORT ON ENGROSSED BILLS

SB 161 reported correctly re-engrossed April 26, 2001.

On motion of Senator Oleen, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Kerr in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2569, HB 2590, HB 2591, HB 2594, HB 2595, HB 2597, HB 2599, HB 2600.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2569, HB 2590, HB 2591, HB 2594, HB 2595, HB 2597, HB 2599, HB 2600 were thereupon introduced and read by title.

ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub for SB 52; SB 100; H Sub for SB 304, H Sub for SB 332; Sub SB 365; HB 2174; S Sub for Sub HB 2468; HB 2563.**

Senator Donovan moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2297, HB 2313.**

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2174**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 2, following line 10, by inserting the following:

“Section 1. K.S.A. 2000 Supp. 20-343 is hereby amended to read as follows: 20-343. ~~The chief judge, with the approval of a majority of the other district judges of the judicial district, shall appoint a clerk of the district court in each county within such district. The chief judge, with the approval of a majority of the other district judges of the judicial district, shall designate one of such clerks as the chief clerk of the district court of such judicial district, except that a chief clerk is not required to be designated in a judicial district which is authorized to have a court administrator pursuant to the personnel plan of the supreme court. The clerks of the district court and deputies, assistants and other clerical personnel shall have such qualifications as are prescribed for the offices by statute, rule of the district court and rule of the supreme court. Such clerks, deputies, assistants and other personnel shall have such powers, duties and functions as are prescribed by law, prescribed by rules of the supreme court or assigned by the chief judge. The supreme court, by supreme court rule or order, shall establish procedures for the appointment of all personnel as necessary to perform the judicial and administrative functions of the district court.”;~~

And by renumbering remaining sections accordingly;

In the title, in line 12, by striking “the clerks;” and inserting “court personnel; amending K.S.A. 2000 Supp. 20-343 and repealing the existing section; also”; in line 13, by striking “20-343 and”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
EDWARD W. PUGH
GRETA GOODWIN
Conferees on part of Senate

MICHAEL O'NEAL
WARD LOYD
JANICE L. PAULS
Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2174**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Waggle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2313**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 2, in line 26, before "Persons" by inserting "within 24 months of graduation. (A) Persons who do not take the licensure examination within 24 months after graduation shall petition the board for permission prior to taking the licensure examination. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination.

(B)";

On page 4, in line 28, before "Persons" by inserting "within 24 months of graduation. (A) Persons who do not take the licensure examination within 24 months after graduation shall petition the board for permission prior to taking the licensure examination. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination.

(B)";

On page 15, in line 7, before "Persons" by inserting "within 24 months of graduation. (1) Persons who do not take the licensure examination within 24 months after graduation shall petition the board for permission prior to taking the licensure examination. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination.

(2)";

Also on page 15, by striking all in lines 42 and 43;

By striking all of pages 16 through 18;

On page 19, by striking all in lines 1 through 11 and inserting in lieu thereof the following:
"Sec. 12. K.S.A. 2000 Supp. 74-1106, as amended by section 301 of 2001 Senate Bill No. 15, is hereby amended to read as follows: 74-1106. (a) *Appointment, term of office.* (1) The governor shall appoint a board consisting of 11 members of which six shall be registered professional nurses, two shall be licensed practical nurses, one shall be a licensed mental health technician and two shall be members of the general public, which shall constitute a board of nursing, with the duties, power and authority set forth in this act.

(2) Upon the expiration of the term of any registered professional nurse, the Kansas state nurses association shall submit to the governor a list of registered professional nurses containing names of not less than three times the number of persons to be appointed, and

appointments shall be made after consideration of such list for terms of four years and until a successor is appointed and qualified.

(3) On the effective date of this act, the Kansas federation of licensed practical nurses shall submit to the governor a list of licensed practical nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list, with the first appointment being for a term of four years and the second appointment being for a term of two years. Upon the expiration of the term of any licensed practical nurse, a successor of like qualifications shall be appointed in the same manner as the original appointment for a term of four years and until a successor is appointed and qualified.

(4) Upon the expiration of the term of any mental health technician, the Kansas association of human services technologies shall submit to the governor a list of persons licensed as mental health technicians containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list for terms of four years and until a successor is appointed and qualified.

(5) Each member of the general public shall be appointed for a term of four years and successors shall be appointed for a like term.

(6) Whenever a vacancy occurs on the board of nursing, it shall be filled by appointment for the remainder of the unexpired term in the same manner as the preceding appointment. No person shall serve more than two consecutive terms as a member of the board of nursing and appointment for the remainder of an unexpired term shall constitute a full term of service on such board. With the expiration of terms for the registered professional nurse from education and one public member in July, 2003, the next appointments for those two positions will be for only one year. Thereafter the two positions shall be appointed for terms of four years.

(b) *Qualifications of members.* Each member of the board shall be a citizen of the United States and a resident of the state of Kansas. Registered professional nurse members shall possess a license to practice as a professional nurse in this state with at least five years' experience in nursing as such and shall be actively engaged in professional nursing in Kansas at the time of appointment and reappointment. The licensed practical nurse members shall be licensed to practice practical nursing in the state with at least five years' experience in practical nursing and shall be actively engaged in practical nursing in Kansas at the time of appointment and reappointment. The governor shall appoint successors so that the registered professional nurse membership of the board shall consist of at least two members who are engaged in nursing service, at least two members who are engaged in nursing education and at least one member who is engaged in practice as an advanced registered nurse practitioner or a registered nurse anesthetist. The licensed mental health technician member shall be licensed to practice as a licensed mental health technician in the state with at least five years' experience and shall be actively engaged in the field of mental health technology in Kansas at the time of appointment and reappointment. The consumer members shall represent the interests of the general public. Each member of the board shall take and subscribe the oath prescribed by law for state officers, which oath shall be filed with the secretary of state.

(c) *Duties and powers.* (1) The board shall meet annually at Topeka during the month of September and shall elect from its members a president, vice-president and secretary, each of whom shall hold their respective offices for one year. The board shall employ an executive administrator, who shall be a registered professional nurse, who shall not be a member of the board and who shall be in the unclassified service under the Kansas civil service act, and shall employ such other employees, who shall be in the classified service under the Kansas civil service act as necessary to carry on the work of the board. As necessary, the board shall be represented by an attorney appointed by the attorney general as provided by law, whose compensation shall be determined and paid by the board with the approval of the governor. The board may hold such other meetings during the year as may be deemed necessary to transact its business.

(2) The board ~~may~~ shall adopt rules and regulations ~~not inconsistent~~ consistent with this act necessary to carry into effect the provisions thereof, and such rules and regulations may be published and copies thereof furnished to any person upon application.

(3) The board shall prescribe curricula and standards for professional and practical nursing programs and mental health technician programs, and provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and approve courses as meet the requirements of the appropriate act and rules and regulations of the board.

(4) The board shall examine, license and renew licenses of duly qualified applicants and conduct hearings upon charges for limitation, suspension or revocation of a license or ~~accreditation approval~~ of professional and practical nursing and mental health technician programs and may limit, deny, suspend or revoke for proper legal cause, licenses or ~~accreditation approval~~ of professional and practical nursing and mental health technician programs, as hereinafter provided. Examination for applicants for registration shall be given at least twice each year and as many other times as deemed necessary by the board. The board shall promote improved means of nursing education and standards of nursing care through institutes, conferences and other means.

(5) The board shall have a seal of which the executive administrator shall be the custodian. The president and the secretary shall have the power and authority to administer oaths in transacting business of the board, and the secretary shall keep a record of all proceedings of the board and a register of professional and practical nurses and mental health technicians licensed and showing the certificates of registration or licenses granted or revoked, which register shall be open at all times to public inspection.

(6) The board may enter into contracts as may be necessary to carry out its duties.

(7) The board is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts. The board shall remit all moneys received by it under this paragraph (7) 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 grants and gifts fund which is hereby created. All expenditures from such 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 president of the board or a person designated by the president.

(8) A majority of the board of nursing including two professional nurse members shall constitute a quorum for the transaction of business.

(d) *Subpoenas.* In all investigations and proceedings, the board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all relevant and necessary papers, books, records, documentary evidence and materials. Any person failing or refusing to appear or testify regarding any matter about which such person may be lawfully questioned or to produce any books, papers, records, documentary evidence or relevant materials in the matter, after having been required by order of the board or by a subpoena of the board to do so, upon application by the board to any district judge in the state, may be ordered by such judge to comply therewith. Upon failure to comply with the order of the district judge, the court may compel obedience by attachment for contempt as in the case of disobedience of a similar order or subpoena issued by the court. A subpoena may be served upon any person named therein anywhere within the state with the same fees and mileage by an officer authorized to serve subpoenas in civil actions in the same procedure as is prescribed by the code of civil procedure for subpoenas issued out of the district courts of this state.

(e) *Compensation and expenses.* Members of the board of nursing attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.”;

Also on page 19, in line 14, after “1106” by inserting: “, as amended by section 301 of 2001 Senate Bill No. 15.”;

On page 1, in the title, in line 14, after “74-1106” by inserting: “, as amended by section 301 of 2001 Senate Bill No. 15.”;

And your committee on conference recommends the adoption of this report.

SUSAN WAGLE
JIM BARNETT
DAVID HALEY
Conferees on part of Senate

GARRY BOSTON
JIM MORRISON
JUDY SHOWALTER
Conferees on part of House

Senator Wagle moved the Senate adopt the Conference Committee Report on **HB 2313**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2406**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, in line 15, by striking "(a)"; in line 22, following "engineer" by inserting "who is a registered land surveyor"; by striking all in lines 32 and 33; after line 33 by inserting:

"Sec. 2. K.S.A. 68-404 is hereby amended to read as follows: 68-404. The secretary of transportation shall have the following powers, duties, authority and jurisdiction:

(a) General supervision over the administration of all road and bridge laws and over the construction and maintenance of all roads, bridges and culverts throughout the state, except that such supervision by the secretary shall not extend to township roads, except that any township road for which federal aid is granted shall be under the supervision of the secretary;

(b) to compile information concerning the road, bridge and culvert materials of the state and furnish such information to boards of county commissioners, township highway commissioners, county engineers and other highway officials; the secretary shall answer all inquiries of such officials concerning highway construction and maintenance and shall advise them of the reasonable prices for materials and construction work;

(c) devise and adopt standard plans and specifications for road, bridge and culvert construction and maintenance suited to the needs of the different counties of the state and furnish them to county engineers;

(d) make a biennial report for the use of the legislature and may issue bulletins and pamphlets, which shall be printed as public documents;

(e) carry on such other highway educational work, and may cooperate with the state and national organizations for the support and advancement of highway construction;

(f) may make investigations of the highway conditions in any county, assist boards of county commissioners and the attorney general in the prosecution or defense of patent suits relative to road and bridge construction when so requested, and the secretary shall report any violations of the law to the attorney general who shall take such steps as are necessary regarding such violations;

(g) to enter upon any property to make surveys, examinations, investigations, and tests, and to acquire other necessary and relevant data in contemplation of (1) establishing the location of a road, street or highway; (2) acquiring land, property, and road building materials; or (3) performing other operations incident to highway construction, reconstruction or maintenance. Prior to entering upon any such property the secretary shall

first request permission of the landowner to do so. Where consent to do the things authorized in this subsection (g) is not given to the secretary by the owner or occupant of the land involved, the secretary may proceed as authorized after giving 10 days written notice to landowner or occupant of the secretary's intention to conduct such surveys, examinations, investigations and tests. Entry upon any property, pursuant to this subsection, shall not be considered to be a legal trespass and no damages shall be recoverable on that account alone. In case of any actual or demonstrable damages to the premises, the secretary shall pay the owner of the premises the amount of the damages. Upon failure of the landowner and such secretary to agree upon the amount of damages the landowner may file an action against the secretary in the district court of the county in which the land is situated to recover such damages;

(h) to make tests, do research, to inspect and test all materials, supplies, equipment, and machinery used for state highway purposes or highway projects involving federal funds, and to develop methods and procedures for this purpose. Tests of such materials, supplies or equipment may be made available, upon payment of actual costs therefor, to any federal agency or political subdivision of the state;

(i) to maintain and develop testing laboratories to carry out the requirements of this act;

(j) to perform such other acts and duties and exercise such authority as will give the provisions of this act and other laws relating to the secretary or department of transportation full force and effect;

(k) to adopt rules and regulations to carry out the provisions of this act and any other laws relating to the secretary or department of transportation; ~~and~~

(l) to adopt rules and regulations relating to debarment and suspension of contractors for cause; ~~and~~

(m) *to prepare a report and make a presentation to the legislature as required by section 3 and amendments thereto.*

Sec. 3. K.S.A. 75-3516 is hereby amended to read as follows: 75-3516. (a) Each state agency shall have the legal custody of all deeds to real estate held or acquired by such state agency for and in the name of the state of Kansas, together with the abstracts of title thereto and the title insurance policies therefor, and of all other original instruments relating to real estate transactions of such state agency. ~~It shall be the duty of~~ Each state agency ~~to~~ shall keep, preserve and file all such deeds, abstracts of title, title insurance policies and other instruments, and all such instruments in the custody of the secretary of state on the effective date of this act shall be and are hereby transferred to the custody of the respective state agencies.

(b) ~~It shall be the duty of~~ Each state agency ~~to~~ shall record or cause to be recorded all deeds to real estate acquired by ~~it~~ the state agency with the register of deeds of the county where the real estate is located and any other instruments relating to ~~its~~ the agency's real estate transactions provided by law to be recorded.

(c) The director of accounts and reports shall maintain inventory records of the real property owned by the state, which records shall reflect all real property held and every real estate transaction engaged in by each state agency except the secretary of transportation. Such inventory records shall include, but not be limited to, the acreage, the location by city and county, a brief legal description and the use and purpose of each lot, tract or parcel of land held by a state agency.

(d) (1) *The secretary of transportation shall deliver to the secretary of the senate and the chief clerk of the house of representatives on or before January 30, 2002, and January 30th of each year thereafter, a written report concerning the department of transportation's system of inventory of records pertaining to all real property owned by the department of transportation and all real estate transactions engaged in by the department of transportation. Each report shall describe the current status of the inventory system and the steps taken during the past year to improve such inventory system and comply with the requirements of this section. The secretary of transportation shall notify each member of the legislature of the availability of copies of the report.*

(2) On or before January 30, 2002, and January 30th of each year thereafter, the secretary of transportation shall make a presentation to the joint committee on state building construction on the report described in paragraph (1).

Sec. 4. K.S.A. 2000 Supp. 75-6609 is hereby amended to read as follows: 75-6609. (a) When used in this section, "surplus real estate" means real estate which is no longer needed by the state agency which owns such real estate as determined in accordance with this section.

(b) (1) The secretary of administration shall develop criteria for the identification of surplus real estate, including but not limited to, a review of any legal restrictions associated with the real estate and the reasons for the state agency to keep the real estate. In accordance with such criteria, the secretary shall assist state agencies in the identification of surplus real estate. The secretary of administration shall periodically review the status of all real estate of state agencies subject to this section to determine if any of the real estate owned by state agencies is potentially surplus real estate. If any real estate owned by a state agency is determined by the secretary of administration, in consultation with the head of the state agency, to be surplus real estate in accordance with the criteria developed under subsection (a), then the secretary of administration shall recommend to the governor that such real estate be sold under the procedures prescribed by this section.

(2) The secretary of administration shall develop guidelines for the sale of surplus real estate. In accordance with such guidelines and upon the ~~written consent of approval of the governor, after consultation with the head of the state agency which owns such surplus real estate, after consultation with the joint committee on state building construction and after approval by the state finance council under subsection (c),~~ the secretary may offer such property for sale by one of the following means: ~~(A)~~ (A) Public auction; ~~(B)~~ (B) by listing the surplus property with a licensed real estate broker or salesperson; or ~~(C)~~ (C) by sealed bid. Subject to the approval of the state finance council as required by subsection (c), the secretary of administration may sell surplus real estate and any improvements thereon on behalf of the state agency which owns such property.

(c) Prior to the sale of any surplus real estate under subsection (b), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(d) Prior to offering any real estate for sale, such property shall be appraised pursuant to K.S.A. 75-3043a, and amendments thereto, unless the appraisal is waived as provided in this subsection. The secretary of administration may waive the requirement for appraisal for any parcel of surplus real estate that is to be sold at public auction under this section if the secretary of administration determines that it is in the best interests of the state to waive the requirement for appraisal for such parcel of surplus real estate. The costs of any such appraisal may be paid from the proceeds of the sale.

(e) Conveyance of title in surplus real estate offered for sale by the secretary of administration shall be executed on behalf of the state agency by the secretary of administration. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the secretary of administration in consultation with the head of the state agency which owns the surplus real estate.

(f) (1) Any proceeds from the sale of surplus real estate and any improvements thereon, after deduction of the expenses of such sale and ~~the any cost of the appraisal of the surplus real estate, shall be deposited in the state treasury and credited to the state general fund as prescribed by this subsection, unless otherwise authorized by law. On and after the effective date of this act, a portion of the proceeds from each such sale deposited in the state treasury shall be determined and designated by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting on this matter in conjunction with approval of such sale under subsection (c), to be credited to the surplus real estate fund or another appropriate special revenue fund of the state agency which owned the surplus real estate, as is prescribed by law or as may be determined by the state agency, except that such portion shall not exceed the amount equal to 50% of such~~

proceeds unless otherwise required by state or federal law or by the limitations or restrictions of the state's title to the real estate being sold. In the case of proceeds from the sale of surplus real estate at a state mental health institution or a state mental retardation institution, such portion of the proceeds shall be credited to the client benefit fund of such institution or to another special revenue fund of such institution for (A) rehabilitation and repair or other capital improvements for such institution, or (B) one-time expenditures for community mental health organizations if the real estate sold was at a state mental health institution or for community developmental disabilities organizations if the real estate sold was at a state mental retardation institution, and, in any such case, shall be expended in accordance with the provisions of appropriation acts. After crediting the amount designated by the state finance council, the remainder of the proceeds from each such sale deposited in the state treasury shall be credited to the state general fund.

(2) The amount of expenses and the cost of appraisal for each sale of surplus real estate pursuant to this section shall be transferred and credited to the property contingency fund created under K.S.A. 75-3652, and amendments thereto, and may be expended for any operations of the department of administration.

(3) *Any state agency owning real estate may apply to the director of accounts and reports to establish a surplus real estate special revenue fund in the state treasury. Subject to the provisions of appropriation acts, moneys in a surplus real estate special revenue fund may be expended for the operating expenditures of the state agency.*

(g) Any sale of property by the secretary of transportation pursuant to K.S.A. 68-413, and amendments thereto, shall not be subject to the provisions of this section.

New Sec. 5. If a mental health institution or mental retardation institution is closed and all or part of the real estate of such institution is sold, the proceeds from the sale of such real estate, after deduction of the costs of the sale and any costs of appraisal of such surplus real estate, shall be deposited in the state treasury to the credit of a new or existing special revenue fund. All expenditures of such moneys in any such special revenue fund shall be in accordance with the provisions of appropriation acts and shall be used (a) for capital improvement or operating expenditures for another state institution providing either mental health services or mental retardation services, whichever were provided by the closed institution or (b) to provide either mental health services or mental retardation services, whichever was provided by the closed institution, through community organizations in communities.”;

By renumbering the remaining sections accordingly;

On page 1, in line 34, by striking “2000 Supp. 58-2005 is” and inserting “68-404 and 75-3516 and K.S.A. 2000 Supp. 58-2005 and 75-6609 are”;

In the title, on page 1, in line 10 by striking “plats; relating to the review thereof” and inserting “real estate; relating to surplus real estate owned by state agencies; relating to the review of plats”; in line 11, by striking “2000 Supp. 58-2005” and inserting “68-404 and 75-3516 and K.S.A. 2000 Supp. 58-2005 and 75-6609”; also in line 11, by striking “section” and inserting “sections”;

And your committee on conference recommends the adoption of this report.

BARBARA P. ALLEN
DEREK SCHMIDT
MARK GILSTRAP
Conferees on part of Senate

GERRY RAY
LARRY L. CAMPBELL
RUBY GILBERT
Conferees on part of House

Senator Allen moved the Senate adopt the Conference Committee Report on **HB 2406**.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp,

Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Clark.

The Conference Committee report was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2014** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Oleen, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Vratil in the chair.

On motion of Senator Vratil the following report was adopted:

Recommended **Sub SB 365** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Morris on page 7, in line 16, by striking "July 1, 2001" and inserting "April 1, 2000", and **Sub SB 365** be passed as amended.

S Sub for Sub HB 2468 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Schmidt on page 2, in line 20, by striking all after "therein"; by striking all of line 21; in line 22, by striking all before the period.

Senator Schmidt further amended the bill on page 4, in line 12, following "(b)" by inserting "or (c)"; following line 21 by inserting the following:

"(c) Nothing in this section shall prohibit an individual from feeding such individual's own animals only the garbage obtained from such individual's own household."

Senator Schmidt further amended the bill on page 7, in line 27, by striking all after "emergency"; in line 28, by striking "sion" and inserting "by a unanimous vote of the legislative members thereof", and **S Sub for Sub HB 2468** be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Donovan an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **Sub SB 365**; **S Sub for Sub HB 2468** were advanced to Final Action and roll call.

Sub SB 365, An act concerning certain employer contributions; amending K.S.A. 2000 Supp. 74-4927 and 74-4927f and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 21, Nays 19, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Clark, Corbin, Donovan, Harrington, Huelskamp, Jordan, Kerr, Morris, O'Connor, Salmans, Schmidt, Schodorf, Teichman, Tyson, Vratil, Wagle.

Nays: Barone, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Jackson, Jenkins, Lee, Lyon, Oleen, Praeger, Pugh, Steineger, Taddiken, Umbarger.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **Substitute for Senate Bill 365**.

Last year, the Legislature unwisely adopted a moratorium on the state contribution to the Death and Disability Fund. It was a poor decision then, it was roundly criticized by editorial boards across the state, and was denounced by the KPERS Board of Trustees.

At that time, it was very clear that while no immediate benefits were being placed at risk, the long term stability of the fund was being jeopardized. Now, only a year later, the Senate is making the same misguided suggestion.

According to Jarold Boettcher, the chair of the KPERS Board of Trustees, this year's action represents an even more serious risk to the Death and Disability Fund. He says that

it is likely that just to maintain the current benefit level over the long term, there will actually need to be an increase in the state's contribution if this moratorium is extended.

It was a bad decision then, it is a worse decision now. As the old saying goes, fool me once, shame on you; fool me twice, shame on me.

Last year, perhaps many members were misinformed on the effects of this moratorium. This year, shame on anyone who has voted for this bill.—PAUL FELECiano, JR.

Senators Barone, Gooch, Haley, Hensley and Lee request the record to show they concur with the "Explanation of Vote" offered by Senator Feleciano on **Substitute for Senate Bill 365**.

MR. PRESIDENT: I vote yes on **Substitute for Senate Bill 365**. We are not denying benefits to anyone entitled to benefits from our death and disability program. We are maintaining fiscal integrity in our death and disability program and plan on continuing that philosophy. We will continue to provide stability to this benefits program as required into the foreseeable future. Our state employees should be assured that they will be protected in case of death or disability.—STEPHEN R. MORRIS

Senators Brownlee and Harrington request the record to show they concur with the "Explanation of Vote" offered by Senator Morris on **Substitute for Senate Bill 365**.

S Sub for Sub HB 2468, An act concerning animal diseases; relating to quarantines; concerning garbage feeding; relating to state of disaster emergency; amending K.S.A. 47-611, 47-617, 47-623, 47-1201, 47-1211, 47-1302, 47-1303, 47-1304, 47-1307, 48-904, 48-924 and 48-925 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Waggle.

The substitute bill passed, as amended.

On motion of Senator Oleen, the Senate recessed until 8:00 p.m.

EVENING SESSION

The Senate met pursuant to recess with President Kerr in the chair.

MESSAGE FROM THE HOUSE

Announcing the House adopts the conference committee report on **HB 2083**.

Announcing the House nonconcurrs in Senate amendments to **Senate Substitute for Substitute HB 2468**, requests a conference and has appointed Representatives Johnson, Light and Thimesch as conferees on the part of the House.

The House announces the appointment of Representative Nichols to replace Representative Shriver as a conferee on **Senate Substitute for HB 2017**.

The House announces the appointment of Representative Nichols to replace Representative Henry as a conferee on **HB 2283**.

ORIGINAL MOTION

On motion of Senator Schmidt, the Senate acceded to the request of the House for a conference on **S Sub for Sub HB 2468**.

The President appointed Senators Schmidt, Huelskamp and Downey as conferees on the part of the Senate.

On motion of Senator Praeger, the Senate acceded to the request of the House for a conference on **HB 2563**.

The President appointed Senators Praeger, Teichman and Feleciano as conferees on the part of the Senate.

REPORT ON ENGROSSED BILLS

SB 160, SB 218 reported correctly engrossed April 27, 2001.
Also: **SB 186** correctly re-engrossed April 27, 2001.

COMMITTEE OF THE WHOLE

On motion of Senator Oleen, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Vratil in the chair.

On motion of Senator Vratil the following report was adopted:

Recommended that **SB 363** be amended by motion of Senator Oleen on page 20, by striking all of lines 28 through 32 and inserting the following:

“(a) There is appropriated from the state general fund for the above agency for the fiscal year or years specified, the following:

Operating expenditures (including official hospitality)
For the fiscal year ending June 30, 2002..... \$226,272”;

Also on page 20, in line 38, by adding \$1,022,082 to the dollar amount and adjusting the dollar amount in line 38 accordingly;

On page 21, by striking all of lines 16 through 20 and inserting the following:

“(a) There is appropriated from the state general fund for the above agency for the fiscal year or years specified, the following:

Operating expenditures (including official hospitality)
For the fiscal year ending June 30, 2002..... \$9,543”;

Also on page 21, by striking all of lines 23 through 27 and inserting the following:

“(a) There is appropriated from the state general fund for the above agency for the fiscal year or years specified, the following:

Operating expenditures (including official hospitality)
For the fiscal year ending June 30, 2002..... \$229,948”

Also on page 21, by striking all of lines 30 through 34 and inserting the following:

“(a) There is appropriated from the state general fund for the above agency for the fiscal year or years specified, the following:

Operating expenditures (including official hospitality)
For the fiscal year ending June 30, 2002..... \$274,902”;

Also on page 21, by striking all of lines 41 through 43;

On page 22, by striking all of lines 1 and 2 and inserting the following:

“(a) There is appropriated from the state general fund for the above agency for the fiscal year or years specified, the following:

Operating expenditures (including official hospitality)
For the fiscal year ending June 30, 2002..... \$1,119,395”;

On page 22, in line 8, by subtracting \$106,616 from the dollar amount in line 8 and adjusting the dollar amount in line 8 accordingly;

Also on page 22, by striking all of lines 19 through 23 and inserting the following:

“(a) There is appropriated from the state general fund for the above agency for the fiscal year or years specified, the following:

Operating expenditures (including official hospitality)
For the fiscal year ending June 30, 2002..... \$517,870”

Senator Salmans amended **SB 363** on page 12, after line 31, by inserting the following:

“(b) In addition to the other purposes for which expenditures may be made by the state board of healing arts from the moneys appropriated from the healing arts fee fund for fiscal year 2002 and for fiscal year 2003 as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made and the state board of healing arts is hereby authorized and directed, notwithstanding the provisions of K.S.A. 65-2895 and amendments thereto, to the contrary, to renew all institutional licenses which expire during fiscal year 2002 and fiscal year 2003 and are valid as of May 1, 2001, for an additional two years if the holders thereof remain eligible for a valid institutional license and submit the biennial renewal fees and evidence of satisfactory completion of a program of continuing education established by rules and regulations adopted by the board.”

Senator Morris amended the bill on page 24, in line 8, by subtracting \$924,000 from the dollar amount and by adjusting the dollar amount in line 8 accordingly; in line 9, by striking all after "lapsed"; by striking all in lines 10 through 14; in line 15, by striking all before the period; in line 34, by subtracting \$794,000 from the dollar amount and by adjusting the dollar amount in line 34 accordingly; in line 35, by striking all after "lapsed"; by striking all in lines 36 through 40; in line 41, by striking all before the period;

On page 25, by striking all in lines 25 through 28.

Senator Morris further amended the bill on page 5, after line 21, by inserting the following:

"(c) Notwithstanding the provisions of K.S.A. 2000 Supp. 74-4927 and amendments thereto, no participating employer under the Kansas public employees retirement system shall pay any amount to the system for the cost of the plan of death and long-term disability benefits under K.S.A. 2000 Supp. 74-4927 and amendments thereto for the period from July 1, 2001, through December 31, 2001.

(d) On the effective date of this act, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2002, by 2001 Senate Bill No. 57 and that is budgeted for payment of the cost of the plan of death and long-term disability benefits under K.S.A. 2000 Supp. 74-4927 and amendments thereto, as certified by the director of the budget to the director of accounts and reports, for the period from July 1, 2001, through December 31, 2001, is hereby lapsed."

Senator Morris further amended the bill on page 31, after line 37, by inserting the following:

"Sec. 58.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Investor education fund

For the fiscal year ending June 30, 2002..... No limit

For the fiscal year ending June 30, 2003..... No limit

(b) On July 1, 2001, the director of accounts and reports shall transfer \$100,000 from the securities enforcement restitution fund of the office of the securities commissioner to the investor education fund created by 2001 House Bill No. 2563.

(c) On July 1, 2001, the director of accounts and reports shall transfer \$50,000 from the securities enforcement restitution fund of the office of the securities commissioner to the state general fund.";

And by renumbering sections accordingly

Senator Morris further amended the bill on page 5, in line 6, by adding \$572,000 to the dollar amount and by adjusting the dollar amount in line 6 accordingly

Senator Morris further amended the bill on page 31, by striking all in lines 25 through 28; by striking all in lines 34 through 37;

And by redesignating subsections accordingly

Senator Morris further amended the bill on page 19, after line 7, by inserting the following:

"General state aid

For the fiscal year ending June 30, 2002..... \$3,700,000";

Also on page 19, after line 11, by inserting the following:

"(i) On July 1, 2001, of the \$1,804,013,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 132(a) of 2001 Senate Bill No. 57 from the state general fund in the general state aid account, the sum of \$3,700,000 is hereby lapsed."

Senator Huelskamp amended the bill on page 30, line 13, by striking "House Bill No. 2047" and inserting "Senate Bill No. 237", and **SB 363** be passed as amended.

The following amendments offered to **SB 363** were rejected:

Senator O'Connor moved to amend **SB 363** on page 31, after line 37, by inserting the following:

“Sec. 58. (a) On July 1, 2001, of the amount of each appropriation from the state general fund for the fiscal year ending June 30, 2002, made by this or other appropriation act of the 2001 regular session of the legislature, the sum equal to 5% of such appropriation, which is not exempt, is hereby lapsed. The following are exempt from such lapsing provision: (1) All appropriations for other assistance, grants and benefits made by 2001 Senate Bill No. 57 or by other appropriation act of the 2001 regular session of the legislature, (2) any appropriations for aid to local units made by 2001 Senate Bill No. 57 or by other appropriation act of the 2001 regular session of the legislature, (3) any appropriations made by the 2001 regular session of the legislature for capital improvement projects for state agencies, (4) any appropriations made by Senate Bill No. 57 or other appropriation act of the 2001 regular session of the legislature for the Kansas state school for the blind or the Kansas state school for the deaf, and (5) any appropriations made by Senate Bill No. 57 or other appropriation act of the 2001 regular session of the legislature for institutions, as defined by K.S.A. 2000 Supp. 76-12a01, and amendments thereto, and juvenile and adult correctional facilities.

(b) The intent of this section shall be for state employees to protect the delivery of services from the lapses prescribed by this section.”;

And by renumbering sections accordingly

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 4, Nays 35, Present and Passing 1, Absent or Not Voting 0.

Yeas: Brownlee, Huelskamp, Lyon, O'Connor.

Nays: Adkins, Allen, Barnett, Barone, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Present and Passing: Haley.

The motion failed and the amendment was rejected.

Senator Praeger moved to amend **SB 363** on page 14, in line 32, by subtracting \$2,000,000 from the dollar amount and adjusting the dollar amount in line 32 accordingly;

On page 15, in line 39, by subtracting \$4,500,000 from the dollar amount and adjusting the dollar amount in line 39 accordingly;

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 19, Nays 21, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barone, Brungardt, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Lee, Oleen, Praeger, Steineger, Teichman, Umbarger, Vratil.

Nays: Barnett, Brownlee, Clark, Corbin, Donovan, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Tyson, Wagle.

The motion failed and the amendment was rejected.

Senator Brownlee moved to amend **SB 363** on page 7, after line 15, by inserting the following:

“(g) During the fiscal year ending June 30, 2002, the director of architectural services shall not assess any fee for architectural or engineering services for any building constructed by or on behalf of any state university under the control or supervision of the state board of regents.”

The committee rose and reported progress (further action follows)

REPORTS OF STANDING COMMITTEES

The Committee on **Education** recommends **HB 2336**, as amended by House Committee of the Whole, be amended by substituting a new bill designated as Senate Substitute for House Bill No. 2336, as recommended by the Committee on Education on April 25, 2001, and the bill, as printed as Senate Substitute for House Bill No. 2336, be amended as follows:

On page 7, in line 36, by striking “4,410” and inserting “2,666”;

On page 8, in line 30, by striking “1,700” and inserting “1,725”; in line 33, by striking “1,700” and inserting “1,725”;

On page 9, in line 3, by striking "1,700" and inserting "1,725"; in line 6, by striking "1,700" and inserting "1,725"; in line 31, by striking "sum of the"; in line 32, by striking "and the"; by striking all of line 33; in line 34, by striking all before the period; in line 38, by striking "\$3,910" and inserting "\$3,870";

On page 10, by striking all of lines 4 through 26; in line 27, by striking "(d)" and inserting "(c)";

On page 11, in line 13, by striking "(e)" and inserting "(d)"; by striking all of lines 24 through 43;

On page 12, by striking all of lines 1 through 26;

By renumbering sections 7 and 8 as sections 6 and 7, respectively;

On page 13, by striking all of lines 38 through 43;

On page 14, by striking all of lines 1 through 7;

By renumbering sections 10 and 11 as sections 8 and 9, respectively;

Also on page 14, by striking all of lines 26 through 43;

On pages 15 and 16, by striking all of lines 1 through 43;

On page 17, by striking all of lines 1 through 11;

By renumbering sections 14 through 18 as sections 10 through 14, respectively;

On page 22, by striking lines 40 through 43;

On pages 23 through 32, by striking all of lines 1 through 43;

On page 33, by striking all of lines 1 through 23; following line 23, by inserting two new sections as follows:

"Sec. 15. On July 1, 2001, K.S.A. 72-8603 shall be and is hereby amended to read as follows: 72-8603. (a) The board of education of any school district or the board of trustees of any community ~~junior~~ college shall contract with any of its employees ~~so requesting, upon request,~~ for reductions in compensation and the contribution thereof for tax sheltered annuities as permitted under the United States internal revenue code, for the benefit of such employees. Any employee desiring to contract under the provisions of this section shall ~~express his or her wishes in writing to his or her~~ *send written notice of such desire to such employee's employer* within semiannual thirty-day periods in accordance with rules and regulations of such employer.

(b) *The board of education of any school district and the board of trustees of any community college may contribute to an employee's tax sheltered annuity any amount not to exceed the employee's contribution contracted for under subsection (a).*

New Sec. 16. (a) The state board of education shall provide for a school efficiency audit of expenditures of school districts in this state to determine if the public school system could be operated in a more cost effective manner. The audit shall focus on the following areas:

- (1) Financial management;
- (2) acquisition of goods and services;
- (3) operational efficiencies;
- (4) linkage of expenditures to performance;
- (5) effective deployment of licensed and classified personnel; and
- (6) facilities management.

(b) The state board of education shall secure consultant services to conduct the efficiency audit of school district expenditures required by this section and provide for a presentation to the governor and the legislature of the findings of the audit along with any recommendations for attaining optimal school district operational efficiency and cost effectiveness. The findings of the audit and recommendations shall be presented to the governor and the legislature at the beginning of the 2002 legislative session.;"

By renumbering section 27 as section 17;

Also on page 33, by striking all of lines 26 and 27;

By renumbering sections 29 and 30 as sections 18 and 19, respectively;

Also on page 33, in line 28, after "72-1106", by striking "and" and inserting a comma; also in line 28, after "72-6420 and", by inserting "72-8603 and"; in line 30, by striking "72-6412,"; also in line 30, by striking "72-6442"; and inserting "and"; also in line 30, by striking ", 79-2959, 79-2964"; in line 31, by striking "and 79-34,147";

In the title, in line 10, by striking "authorizing and imposing", and inserting "reauthorizing the school district"; also in line 10, by striking "and other taxes" and inserting "tax levy;

relating to tax sheltered annuities provided for community college and school district employees"; in line 11, after "72-1106", by striking "and" and inserting a comma; also in line 11, after "72-6420", by inserting "and 72-8603"; in line 12, after "72-6410," by striking "72-"; in line 13, by striking "6412,,"; also in line 13, by striking "72-6442,,"; also in line 13, after "72-8187", by striking the comma and inserting "and"; also in line 13, by striking ", 79-2959,,"; in line 14, by striking "79-2964, 79-34,147, 79-3603, 79-3620, 79-3703 and 79-3710"; and the bill be passed as amended.

Senator Oleen moved to suspend the rules and **S Sub for HB 2336** be advanced on the calendar under the heading of General Orders for consideration.

S Sub for HB 2336 be amended by adoption of the committee amendments, and the bill be passed as amended.

The following amendments offered to **S Sub for HB 2336** were rejected:

Senator Jordan moved to amend the bill as amended by Senate Committee, on page 1, following the enacting clause, by inserting a new section as follows:

"Section 1. K.S.A. 2000 Supp. 72-6433 is hereby amended to read as follows: 72-6433.

(a) (1) The board of any district may adopt a local option budget in each school year; ~~commencing with the 1997-98 school year~~, in an amount not to exceed an amount equal to the district prescribed percentage of the amount of state financial aid determined for the district in the school year. As used in this provision the term district prescribed percentage means:

(A) For any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto, do not apply in the current school year, a percentage in the ~~1997-98 school year that is equal to the percentage specified in the resolution under which the district was authorized to adopt a local option budget in the 1996-97 school year~~, in the 1998-99 school year, a percentage that is equal to 95% of the percentage specified in the resolution under which the district was authorized to adopt a local option budget in the 1996-97 school year, in the 1999-2000 school year, a percentage that is equal to 90% of the percentage specified in the resolution under which the district was authorized to adopt a local option budget in the 1996-97 school year, in the 2000-01 school year, a percentage that is equal to 85% of the percentage specified in the resolution under which the district was authorized to adopt a local option budget in the 1996-97 school year, in the 2001-02 school year, and in each school year thereafter, a percentage that is equal to 80% of the percentage specified in the resolution under which the district was authorized to adopt a local option budget in the 1996-97 school year;

(B) for any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto, apply in the current school year, a percentage in the ~~1997-98 school year that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and 20% of the percentage computed for the district by the state board under the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto~~, a percentage in the 1998-99 school year that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and 40% of the percentage computed for the district by the state board under the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto, a percentage in the 1999-2000 school year that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and 60% of the percentage computed for the district by the state board under the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto, a percentage in the 2000-01 school year that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and 80% of the percentage computed for the district by the state board under the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto, a percentage in the 2001-02 school year, and each school year thereafter, that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the

percentage computed for the district by the state board under the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto;

(C) for any district that was not authorized to adopt a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto, apply in the current school year, a percentage in the 1997-98 school year that is equal to 20% of the percentage computed for the district by the state board under the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto, a percentage in the 1998-99 school year that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and 40% of the percentage computed for the district by the state board under the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto, a percentage in the 1999-2000 school year that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and 60% of the percentage computed for the district by the state board under the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto, a percentage in the 2000-01 school year that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and 80% of the percentage computed for the district by the state board under the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto, a percentage in the 2001-02 school year, and each school year thereafter, that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto;

(D) for any district to which the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto, applied in the 1997-98 school year and to which the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto, do not apply in the current school year, commencing with the 1998-99 school year, because an increase in the amount budgeted by the district in its local option budget as authorized by a resolution adopted under the provisions of subsection (b) causes the actual amount per pupil budgeted by the district in the preceding school year as determined for the district under provision (1) of subsection (a) of K.S.A. 2000 Supp. 72-6444, and amendments thereto, to equal or exceed the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 2000 Supp. 72-6444, and amendments thereto, is applicable to the district's enrollment group, a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year if the resolution authorized the district to increase its local option budget on a continuous and permanent basis. If the resolution that authorized the district to increase its local option budget specified a definite period of time for which the district would retain its authority to increase the local option budget and such authority lapses at the conclusion of such period and is not renewed, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution unless the loss of the percentage of increase that was authorized by the resolution would cause the actual amount per pupil budgeted by the district to be less than the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 2000 Supp. 72-6444, and amendments thereto, is applicable to the district's enrollment group, in which case, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution plus a percentage which shall be computed for the district by the state board in accordance with the provisions of K.S.A. 2000 Supp. 72-6444, and amendments thereto, except that, in making the determination of the actual amount per pupil budgeted by the district in the preceding school year, the state board shall exclude the percentage of increase that was authorized by the resolution.

(2) (A) Subject to the provisions of subpart (B), the adoption of a local option budget under authority of this subsection shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

(B) In lieu of utilizing the authority granted by subpart (A) for adoption of a local option budget, the board of a district may pass a resolution authorizing adoption of such a budget and publish such resolution once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:
Unified School District No. _____,

_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year for a period of time not to exceed _____ years in an amount not to exceed _____% of the amount of state financial aid determined for the current school year. The local option budget authorized by this resolution may be adopted, 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 publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, 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 _____, ~~19~~ _____.

Clerk of the board of education.

All of the blanks in the resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in either of the blanks. The percentage specified in the resolution shall not exceed the district prescribed percentage. The resolution shall be published once in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board may adopt a local option budget. If a petition is filed as provided in the resolution, 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. 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 no like resolution shall be adopted by the board within the nine months following publication of the resolution. If any district is authorized to adopt a local option budget under this subpart, but the board of such district chooses, in any school year, not to adopt such a budget or chooses, in any school year, to adopt such budget in an amount less than the amount of the district prescribed percentage of the amount of state financial aid in any school year, such board of education may so choose. If the board of any district refrains from adopting a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget, nor shall the amount authorized to be budgeted in any succeeding school year be increased by such refrainment. Whenever an initial resolution has been adopted under this subpart, and such resolution specified a lesser percentage than the district prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and subject to the same conditions, and shall be authorized to increase the percentage as specified in any such subsequent resolution for the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions is not in excess of the district prescribed percentage in any school year. The board

of any district that has been authorized to adopt a local option budget under this subpart and levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew its authority to adopt a local option budget in the manner specified in this subpart or may utilize the authority granted by subpart (A). As used in this subpart, the term "authorized to adopt a local option budget" means that a district has adopted a resolution under this subpart, has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the adoption of a local option budget was approved.

(3) The provisions of this subsection are subject to the provisions of subsections (b) and (c).

(b) (1) The board of any district that adopts a local option budget under subsection (a) may increase the amount of such budget in each school year, ~~commencing with the 1997-98 school year~~, in an amount which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage of the amount of state financial aid determined for the district in the school year if the board of the district determines that an increase in such budget would be in the best interests of the district.

(2) No district may increase a local option budget under authority of this subsection until: (A) A resolution authorizing such an increase is passed by the board and published once in a newspaper having general circulation in the district; or (B) the question of whether the board shall be authorized to increase the local option budget has been submitted to and approved by the qualified electors of the district at a special election called for the purpose. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto, for the noticing, calling and holding of elections upon the question of issuing bonds under the general bond law. The notice of such election shall state the purpose for and time of the election, and the ballot shall be designed with the question of whether the board of education of the district shall be continuously and permanently authorized to increase the local option budget of the district in each school year by a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year. If a majority of the qualified electors voting at the election approve authorization of the board to increase the local option budget, the board shall have such authority. If a majority of the qualified electors voting at the election are opposed to authorization of the board to increase the local option budget, the board shall not have such authority and no like question shall be submitted to the qualified electors of the district within the nine months following the election.

(3) (A) Subject to the provisions of subpart (B), a resolution authorizing an increase in the local option budget of a district shall state that the board of education of the district shall be authorized to increase the local option budget of the district in each school year in an amount not to exceed _____% of the amount of state financial aid determined for the current school year and that the percentage of increase may be reduced so that the sum of the percentage of the amount of state financial aid budgeted under subsection (a) and the percentage of increase specified in the resolution does not exceed the state prescribed percentage in any school year. The blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in the blank. The resolution shall specify a definite period of time for which the board shall be authorized to increase the local option budget and such period of time shall be expressed by the specific number of school years for which the board shall retain its authority to increase the local option budget. No word shall be used to express the number of years for which the board shall be authorized to increase the local option budget.

(B) In lieu of the requirements of subpart (A) and at the discretion of the board, a resolution authorizing an increase in the local option budget of a district may state that the board of education of the district shall be continuously and permanently authorized to increase the local option budget of the district in each school year by a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year.

(4) A resolution authorizing an increase in the local option budget of a district shall state that the amount of the local option budget may be increased as authorized by the resolution unless a petition in opposition to such increase, 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 publication. If no petition is filed in accordance with the provisions of the resolution, the board is authorized to increase the local option budget of the district. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether the board shall be authorized to increase the local option budget of the district. 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 no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(5) The requirements of provision (2) do not apply to any district that is continuously and permanently authorized to increase the local option budget of the district. An increase in the amount of a local option budget by such a district shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

(6) If any district is authorized to increase a local option budget, but the board of such district chooses, in any school year, not to adopt or increase such budget or chooses, in any school year, to adopt or increase such budget in an amount less than the amount authorized, such board of education may so choose. If the board of any district refrains from adopting or increasing a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the amount authorized to be budgeted in any succeeding school year shall not be increased by such refrainment, nor shall the authority of the district to increase its local option budget be extended by such refrainment beyond the period of time specified in the resolution authorizing an increase in the local option budget if the resolution specified such a period of time.

(7) Whenever an initial resolution has been adopted under this subsection, and such resolution specified a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) is less than the state prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and shall be authorized to increase the percentage as specified in any such subsequent resolution. If the initial resolution specified a definite period of time for which the district is authorized to increase its local option budget, the authority to increase such budget by the percentage specified in any subsequent resolution shall be limited to the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions together with the percentage of the amount of state financial aid budgeted under subsection (a) is not in excess of the state prescribed percentage in any school year.

(8) (A) Subject to the provisions of subpart (B), the board of any district that has adopted a local option budget under subsection (a), has been authorized to increase such budget under a resolution which specified a definite period of time for retention of such authorization, and has levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew the authority to increase the local option budget subject to the conditions and in the manner specified in provisions (2) and (3) of this subsection.

(B) The provisions of subpart (A) do not apply to the board of any district that is continuously and permanently authorized to increase the local option budget of the district.

(9) As used in this subsection:

(A) "Authorized to increase a local option budget" means either that a district has held a special election under provision (2)(B) by which authority of the board to increase a local option budget was approved, or that a district has adopted a resolution under provision (2) (A), has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the authority of the board to increase a local option budget was approved.

(B) "State prescribed percentage" means 25%.

(c) To the extent the provisions of the foregoing subsections conflict with this subsection, this subsection shall control. Any district that is authorized to adopt a local option budget in the 1997-98 school year under a resolution which authorized the adoption of such budget in accordance with the provisions of this section prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

(d) (1) To the extent the provisions of the foregoing subsections conflict with this subsection, this subsection shall control.

(2) For any district to which the provisions of this subsection apply, the term "state prescribed percentage" means 30%. The provisions of this subsection apply to any district which is continuously and permanently authorized to adopt a local option budget in each school year in an amount equal to the state prescribed percentage, as such term is defined in subsection (b)(9), of the amount of state financial aid determined for the school year and is authorized in accordance with the provisions of this subsection to adopt a local option budget in an amount not to exceed the state prescribed percentage, as defined in this subsection, of the amount of state financial aid determined for the school year.

(3) The adoption of a local option budget under authority of this subsection shall require the board to pass a resolution authorizing adoption of such a budget and to publish the resolution once in a newspaper having general circulation in the district. The resolution shall state that the authorization to adopt such a budget shall be permanent and continuous and shall be published in substantial compliance with the following form:

Unified School District No. _____, _____ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget, permanently and continuously, in an amount not to exceed 30% of the amount of state financial aid determined for the current school year. The amount of the local option budget authorized to be adopted by this resolution is an increase, not to exceed 5%, in the amount of the local option budget currently authorized by such board which is 25% of the amount of state financial aid determined for the current school year. The amount of the increase in the local option budget authorized to be adopted by this resolution shall not be considered in the determination of supplemental general state aid, but shall be financed through the levy of an ad valorem tax on the taxable tangible property of the district. The adoption of a local option budget authorized by this resolution is conditioned upon approval of the resolution by a majority of the qualified electors of the school district voting at an election conducted for such purpose. The county election officer of the home county of the school district shall submit the question of whether adoption of a local option budget shall be authorized in accordance with the provisions of this resolution to the electors of the school district at an election called for the purpose.

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 _____, 20____.

Clerk of the board of education.

All of the blanks in the resolution shall be appropriately filled. If a majority of the votes cast in an election conducted pursuant to this provision are in favor of the resolution then such resolution shall be effective on the date of such election. If a majority of the votes cast are not in favor of the resolution, the resolution shall be deemed of no effect and no like resolution shall be adopted by the board within the nine months following such election.

(4) No amount of the increase in a local option budget authorized to be adopted by a resolution approved by the qualified electors of a school district at an election conducted

pursuant to provision (3) shall be considered in the determination of supplemental general state aid, but shall be financed through the levy of an ad valorem tax on the taxable tangible property of the district.

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

(2) Subject to the limitation imposed under provision (3), amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to the general fund of the district or to any program weighted fund or categorical fund of the district.

(3) Amounts in the supplemental general fund may not be expended nor transferred to the general fund of the district for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) Any unexpended and unencumbered cash balance remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be disposed of as provided in this subsection. If the district did not receive supplemental general state aid in the school year and the board of the district determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If the board of such a district determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, transferred or expended the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If such a district determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the cash balance remaining in the supplemental general fund by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district. The amount remaining in the supplemental general fund may be maintained in such fund or transferred to the general fund of the district.”;

And by renumbering sections accordingly;

In the repealer, after “72-6431,” by inserting “72-6433.”;

In the title, after “72-6431,” by inserting “72-6433.”

Senator Oleen moved to amend **S Sub for HB 2336** as amended by Senate Committee, on page 1 of the bill, following the enacting clause, by inserting 12 new sections as follows:

“New Section 1. The provisions of this act apply to school districts, to public schools maintained by school districts, and to pupils enrolled in school districts.

New Sec. 2. (a) On or before October 31, 2001, the state department of education, in consultation with the Kansas children’s cabinet, the state department of social and rehabilitation services, the state department of health and environment, and prekindergarten through grade 3 teachers, shall determine a school readiness definition including indicators which help assess a child’s school readiness. In determining the school readiness definition

and indicators, the state department of education is encouraged to also consult with individuals and organizations knowledgeable about early childhood education and children's health. The school readiness definition along with indicators will be used by the legislature to assess the effectiveness of state funded preschool programs in the preparation of children for kindergarten. All school districts will implement locally developed kindergarten screening procedures based on the school readiness definition under this section.

(b) On or before October 31, 2001, the state department of education shall define a skill set for reading, for writing and for mathematics which a child at the completion of third grade should be able to execute if the child has mastered third grade level reading, writing and mathematics. Such skill sets shall not be minimum level skills, but shall reflect grade level proficiency.

(c) The state department of education shall design a third grade accomplishment examination to be administered at the end of each school year, beginning with the 2005-06 school year, to determine whether pupils have achieved mastery of the reading, writing and mathematics skill sets. The examination shall be administered to all third grade pupils upon completion of the grade. The state board of education will determine whether this accomplishment examination is in addition to or in lieu of any other state assessments.

(d) On or before October 31, 2001, the state department of education shall set a goal that by 2010, not less than 90% of pupils exiting the third grade have acquired the reading, writing and mathematics skill sets to be determined on the basis of the results of the third grade accomplishment examination. In each year, commencing in 2003, the state department of education shall report its progress toward achieving the 90% by 2010 goal to the legislative educational planning committee. If the goal is not achieved, the state department of education shall establish a new plan to meet the goal.

New Sec. 3. (a) School districts shall construct a plan for identifying grade-level markers which indicate whether a child is progressing adequately toward acquisition of the reading, writing and mathematics skill sets designed by the state department of education and for diagnosing each child's skill level. The school district shall use assessments or diagnostic reviews during kindergarten and each of the grades first, second and third to determine a child's level of performance and to target specialized interventions to bring the child up to grade level in reading, writing and mathematics. Each school district's plan shall embed the assessments or diagnostic reviews into the curriculum and implement a measure to check each child's progress during the fall or spring semesters or both such semesters. The school district shall establish a plan for providing each child needing assistance with locally determined interventions based on input from teachers and parents for the individual child. The plan may include, but need not be limited to, a restructured school day, additional school days, summer school, individualized instruction and such other interventions as the school district may deem necessary. The district may require attendance at such interventions unless a parent in writing waives the child's attendance. The plan shall not include a requirement for full-day kindergarten attendance. In addition to the foregoing, the plan providing for interventions shall include implementation of a first grade reading intervention that meets the following specifications: A research-based reading intervention method designed for first-graders with a proven track record of success, with sustained learning over time using a short-term, one-on-one tutoring intervention when deemed necessary or intensive research based small group tutoring. The diagnostic reviews or assessments may be implemented in addition to current assessments or diagnostic reviews, or in lieu of current assessments or diagnostic reviews, or, if the district currently has appropriate grade level markers, or offers appropriate diagnostic reviews or assessments, or tracking procedures for interventions, the district may continue to use such locally determined practices as long as the district continues to meet quality performance accreditation requirements. School districts shall continue to implement the second grade reading diagnostic currently required by the state.

(b) When a child has been identified as needing assistance, the school district plan shall create a mechanism to track the child's interventions and progress. When a child has accomplished the district-determined level of accomplishment, no further tracking will be necessary unless the child falls behind in another grade. If the child does not accomplish the grade-level markers in reading or writing or math, or any combination thereof, defined

by the school district despite intervention, there will be action taken in the best educational interest of the child to reach the grade-level markers. Such action may include, but is not limited to, other more intensive interventions or retention to repeat the grade unless a parent in writing waives the child's retention. If a waiver is signed, the parent will be provided with information on the skills the child requires to succeed at the next grade level. The school district will determine the measures by which the child's progress is measured.

(c) Local school districts and schools are encouraged to utilize community volunteers or community-based organizations in the carrying out of intervention plans when appropriate.

New Sec. 4. The state department of education shall pilot the third grade accomplishment examination in the spring of 2002. The school readiness indicator required by subsection (a) of section 2, and amendments thereto, shall be developed by the state department of education on or before August 1, 2002. The plans required by subsection (a) of section 3, and amendments thereto, shall be constructed by school districts on or before August 1, 2002. The statewide program shall begin in the 2002-03 school year. In the spring of 2003, each school district will administer the third grade examination to set the school's baseline.

Sec. 5. K.S.A. 46-1208a is hereby amended to read as follows: 46-1208a. (a) The legislative educational planning committee is hereby established and shall be composed of ~~11~~ 15 members, ~~six of whom shall be members of the house of representatives and five of whom shall be senators. At least five members of the committee shall be of the minority party, with at least two thereof from each house. Members of the legislative educational planning committee shall be appointed by the legislative coordinating council. The committee shall be permanent with membership changing from time to time as the legislative coordinating council shall determine.~~ as follows: *The chairperson, vice-chairperson and ranking minority member of the senate committee on education or their designees from such committee; the chairperson, vice-chairperson and ranking minority member of the senate committee on ways and means or their designees from such committee; the chairperson, vice-chairperson and ranking minority member of the house committee on education or their designees from such committee; the chairperson, vice-chairperson and ranking minority member of the house committee on higher education or their designees from such committee; and the chairperson, vice-chairperson and ranking minority member of the house committee on appropriations or their designees from such committee. The legislative coordinating council shall annually designate the chairperson, vice-chairperson and ranking minority member of the legislative educational planning committee from among the members of the committee.*

(b) *The legislative educational planning committee shall be divided into three subcommittees as follows: (1) Subcommittee on early childhood; (2) subcommittee on kindergarten through 12th grade education; and (3) subcommittee on postsecondary education. Members of each subcommittee shall be designated by the chairperson, vice-chairperson and ranking minority member of the legislative educational planning committee. Three members from each subcommittee shall be members of the house of representatives and two members on each subcommittee shall be members of the senate. Two members of each subcommittee shall be minority party members as follows: One member of each subcommittee shall be a member of the minority party of the house of representatives and one member of each subcommittee shall be a member of the minority party of the senate. The chairperson of each subcommittee shall be selected by the chairperson of the legislative educational planning committee. The subcommittee shall meet at the request and upon the approval of the chairperson of the legislative educational planning committee.*

(b) (c) *The legislative educational planning committee shall plan for public and private postsecondary education in Kansas, including vocational and technical education; explore, study and make recommendations concerning all facets of education in Kansas relating to any age group; and review implementation of legislation relating to educational matters by the department of education. The committee shall annually make a report and recommendations to the legislature and the governor and may cause the same to be published separately from other documents which are required by law to be submitted to the legislative coordinating council. The reports and recommendations of the committee shall include a developmental schedule for implementation of educational goals established by the committee. The committee shall from time to time update such schedule as new or additional information is developed or refined.*

(d) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the legislative educational planning committee to the extent that the same do not conflict with the specific provisions of this act applicable to the committee.

(e) Upon request of the legislative educational planning committee, the state board of regents and the state board of education shall provide consultants from the faculties and staffs of institutions and agencies under the respective control and jurisdiction thereof.

(f) *The legislative educational planning committee shall request the legislative post audit committee to direct the post auditor to conduct a performance audit of the preschool-aged at-risk pupil program to determine the efficacy of the program relative to the school readiness definition. The legislative educational planning committee shall make such request biennially, commencing in July 2004 and concluding in July 2008, and shall specify the objectives and scope and direct the details of the audit. In 2006 the legislative educational planning committee, based on the audits and other information received, shall make a recommendation to the legislature as to whether the funding should be maintained, enhanced or terminated.*

(g) *The legislative educational planning committee shall meet upon the call of its chairperson. The legislative educational planning committee may introduce such legislation as it deems necessary in performing its functions.*

New Sec. 6. The state department of education shall report its progress toward implementation of the provisions of this act to the legislative educational planning committee on November 1, 2001, with continuing annual reports and other reports as requested by the chairperson of the legislative educational planning committee. Such annual reports shall include, but not be limited to, data relating to and supporting evaluations of all such goals, objectives and outcomes as specified in sections 2 through 4 and amendments thereto to the legislative educational planning committee on or before September 1, 2003, and September 1 of each ensuing fiscal year that the Kansas skills for success in school program is in effect. The legislative educational planning committee shall prepare a report evaluating the goals, objectives and desired outcomes as specified in sections 2 through 4 and amendments thereto to the legislature on or before the first day of the 2004, 2006 and 2008 legislative sessions.

New Sec. 7. The state department of education, the Kansas children's cabinet, the state department of social and rehabilitation services, the state department of health and environment, along with any other state agency or state-funded program which impacts early childhood development, must all report in their budget requests how state-funded early childhood programs impact the children served by such programs from birth to entry into kindergarten according to the school readiness definition.

Sec. 8. K.S.A. 2000 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district. Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion

of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education services, except special education services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education services for preschool-aged exceptional children provided for by the district shall be counted as pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils. A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs. *For the 2001-02 school year, the state board shall select not more than 1,794 preschool-aged at-risk pupils to be counted in the 1999-2000 school year and not more than 2,230 3,974 preschool-aged at-risk pupils to be counted in any school year thereafter. The provisions of the foregoing sentence shall expire on June 30, 2002. For the 2002-03 school year and each school year thereafter, the state board shall select not more than 5,500 preschool-aged at-risk pupils to be counted.*

(e) "Enrollment" means, for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not hereinbefore specified, the number of pupils regularly enrolled in the district on September 20. Notwithstanding the foregoing, if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (1) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (2) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (A) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (B) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (C) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled.

(f) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, correlation weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, and transportation weighting to enrollment.

(g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts having under 1,725 enrollment on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,725 or over enrollment.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities. School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget and budgeted therein the total amount authorized for the school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

(k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) "Correlation weighting" means an addend component assigned to enrollment of districts having 1,725 or over enrollment on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts having under 1,725 enrollment.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2000 Supp. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 2000 Supp. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" means any community juvenile corrections center or facility, the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center, Trego County Secure Care Center, St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina, and St. Francis Center at Salina.

New Sec. 9. (a) In each school year, commencing with the 2002-03 school year, each school district which has established a plan of interventions for pupils needing assistance with acquisition of the reading, writing and mathematics skill sets designed by the state department of education under the Kansas skills for success in school program shall be entitled to receive a grant of state moneys to supplement amounts expended by the school district for maintenance of such plan of interventions.

(b) To be eligible to receive a grant of state moneys for maintenance of a plan of interventions under the Kansas skills for success in school program, a board of education shall submit to the state board of education an application for a grant and a description of the plan. The application and description shall be prepared in such form and manner as the state board shall require and shall be submitted at a time to be determined and specified by the state board. Approval by the state board of the plan and the application is prerequisite to the award of a grant.

(c) Upon receipt of a grant of state moneys for maintenance of a plan of interventions under the Kansas skills for success in school program, the amount of the grant shall be deposited in the general fund of the school district. Moneys deposited in the general fund of a school district under this subsection shall be considered reimbursements for the purpose of the school district finance and quality performance act.

(d) Each board of education which is awarded a grant for maintenance of a plan of interventions under the Kansas skills for success in school program shall make such periodic and special reports to the state board of education as it may request.

New Sec. 10. (a) On or before January 1, 2002, the state board of education shall adopt rules and regulations for administration of grants of state moneys to school districts for

maintenance of plans of interventions under the Kansas skills for success in school program and shall:

- (1) Establish standards and criteria for reviewing, evaluating and approving plans of interventions and applications of school districts for grants;
- (2) conduct a needs-assessment survey of school districts applying for grants;
- (3) evaluate and approve plans of interventions;
- (4) establish priorities in accordance with the findings of the needs-assessment survey for the award of grants to school districts and for determination of the amount of such grants;
- (5) be responsible for awarding grants to school districts; and
- (6) request of and receive from each school district which is awarded a grant for maintenance of a plan of interventions reports containing information with regard to the effectiveness of the plan.

(b) In evaluating and approving plans of interventions maintained under the Kansas skills for success in school program for the award of grants to school districts, the state board shall consider:

- (1) The level of effort exhibited by school districts in the establishment and maintenance of plans of interventions;
- (2) the amounts budgeted by school districts for the establishment and maintenance of plans of interventions; and
- (3) the potential effectiveness of the plans of interventions for which applications for the grant of state moneys are made.

(c) The amount of a grant to a school district shall be determined by the state board in accordance with established priorities, but in no event shall such amount exceed the amount of actual expenses incurred by the school district in the establishment and maintenance of a plan of interventions.

(d) In determining the amount of the appropriation for the Kansas skills for success in school program grants awarded school districts under this section, no more than 10% of the first grade pupils across the state shall be counted in plans providing for a one-on-one research-based reading intervention method.

(e) The state board of education shall provide any board, upon request, with technical advice and assistance regarding the establishment and maintenance of a plan of skills for success in school interventions or an application for a grant of state moneys.

New Sec. 11. Within the limits of appropriations therefor, the state department of education shall provide for teacher training to implement the interventions authorized by this act.

Sec. 12.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures (including official hospitality)
 For the fiscal year ending June 30, 2003..... \$400,000

Provided, That expenditures shall be made by the department of education from the operating expenditures (including official hospitality) account for the purpose of implementing the third grade accomplishment examination: *Provided further*, That expenditures from this account for such purposes shall not exceed \$400,000.

Kansas skills for success in school plans for interventions
 For the fiscal year ending June 30, 2003..... \$15,666,725

(b) There is appropriated for the above agency from the children's initiatives fund for the fiscal year or years specified, the following:

General state aid preschool-aged at-risk pupils
 For the fiscal year ending June 30, 2002..... \$3,000,000

For the fiscal year ending June 30, 2003..... \$3,500,000

Operating expenditures (including official hospitality)
 For the fiscal year ending June 30, 2002..... \$2,000,000

Provided, That expenditures shall be made by the department of education from the children's initiatives fund—operating expenditures (including official hospitality) account for the purpose of development of skill sets, development and piloting of the third grade ac-

complishment examination, and teacher training for interventions: *Provided further*, That expenditures from this account for such purposes shall not exceed \$2,000,000.

Third grade summer school

For the fiscal year ending June 30, 2002..... \$2,500,000

Provided, That all expenditures from the third grade summer school account of the children's initiatives fund shall be for extended learning summer school programs for third grade pupils across the state: *Provided further*, That such funds shall be provided for not to exceed 25% of third grade students across the state.

Kansas skills for success in school plans for interventions

For the fiscal year ending June 30, 2003 \$2,306,738";

On page 11 of the bill, in the repealer, after "K.S.A.", by inserting "46-1208a";

In the title, on page 1 of the bill, after "school districts;", by inserting "establishing the Kansas skills for success in school program;"; also in the title, after "K.S.A.", where it first appears, by inserting "46-1208a"

Senator Hensley moved to amend **S Sub for HB 2336**, on page 7, line 36, by striking "2,666" and inserting "4,410."

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 19, Nays 21, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Barnett, Barone, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Jenkins, Lee, Oleen, Praeger, Steineger, Teichman, Umbarger, Vratil.

Nays: Adkins, Brownlee, Brungardt, Clark, Corbin, Donovan, Harrington, Huelskamp, Jackson, Jordan, Kerr, Lyon, Morris, O'Connor, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Tyson, Waggle.

The motion failed and the amendment was rejected.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 363; S Sub for HB 2336** were advanced to Final Action and roll call.

SB 363, An act making and concerning appropriations for the fiscal years ending June 30, 2001, June 30, 2002, and June 30, 2003; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; amending K.S.A. 75-2319 and K.S.A. 2000 Supp. 79-2959, as amended by section 167 of 2001 Senate Bill No. 57, 79-2964, as amended by section 168 of 2001 Senate Bill No. 57, 79-3425i, as amended by section 169 of 2001 Senate Bill No. 57, 79-34,147, as amended by section 170 of 2001 Senate Bill No. 57, and 82a-953a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 25, Nays 15, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Barnett, Brownlee, Clark, Corbin, Donovan, Emler, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Waggle.

Nays: Adkins, Barone, Brungardt, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Lee, Lyon, Praeger, Steineger, Vratil.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I must vote no on this budget.

Even though there are many good provisions in this bill, it is fundamentally a house of cards. This budget has entirely too many dollars included that are temporary fixes, one time money, or quite frankly smoke and mirrors.

I believe the Kansas state budget should be built on a sound fiscal basis and sound business principles. This budget is not and I must oppose it and hope the conference committee returns a better product for this body to consider.—JIM BARONE

Senators Feleciano and Gilstrap request the record to show they concur with the "Explanation of Vote" offered by Senator Barone on **SB 363**.

MR. PRESIDENT: To understand my No vote on **SB 363**, it is only necessary to look at the verbs used in the "Budget Adjustments" for this bill. It is quite evident that these budget solutions are short-termed and short-sighted.

Words such as transfer, delay, reduce, close, allow, accelerate, and reverse are not indicative of sound policy development. Rather, they indicate last minute attempts to fill in gaping holes created by excessive tax cuts driven by primary election politics several years ago.

These "adjustments" delay payments and erode programs; these "adjustments" rob the Children's Initiatives Fund and the trust funds for the Senior Pharmacy Program. These "adjustments" ignore the realities of caseload estimates and keep dollars that were to go to cities and counties. These "adjustments" are poor policy and should not be supported.—

CHRISTINE DOWNEY

Senators Goodwin, Hensley and Lee request the record to show they concur with the "Explanation of Vote" offered by Senator Downey on **SB 363**.

S Sub for HB 2336, An act concerning school districts; providing for state financial assistance; reauthorizing the school district ad valorem tax levy; relating to tax sheltered annuities provided for community college and school district employees; amending K.S.A. 72-1106, 72-6420 and 72-8603 and K.S.A. 2000 Supp. 72-979, 72-983, 72-6407, 72-6407 as amended by section 1 of this act, 72-6410, 72-6414, 72-6430, 72-6431, 72-8187 and 79-201x and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 23, Nays 17, Present and Passing 0, Absent or Not Voting 0.

Yeas: Barnett, Brownlee, Clark, Corbin, Donovan, Emler, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Wagle.

Nays: Adkins, Allen, Barone, Brungardt, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Lee, Oleen, Praeger, Steineger, Umbarger, Vratil.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "no" on **S Sub for HB 2336**. This bill is an insult to the parents, patrons and students of the Shawnee Mission School District. I refuse to lend my support to such an inadequate public education finance plan. The 1.3% increase provided in this bill will not fund the excellence the residents of my district appropriately expect of their public schools. In fact, the Shawnee Mission District will receive less state aid under this bill next year than it will receive this year. The current state school finance formula prevents my community's schools from accessing additional resources locally and the state's failure to provide adequate investment in public education further compromises the quality of educational opportunity in the district. Our collective lack of courage to address the legitimate needs of public education constitutes the greatest failure of this legislature and, in my view, a crime against the future. I commend the Governor and the members of the Senate Education Committee who have worked diligently during this session to craft school finance proposals designed to adequately address the needs of Kansas schools. I regret that these plans were not enacted. But, my greatest regret is that we have failed the school children of my community.—DAVID ADKINS

MR. PRESIDENT: A simple NO vote on this inadequate school funding package is not enough. Additional comments must highlight the complete abdication of responsibility that this bill represents. This refusal to pay for education is an unacceptable surrender to the public school critics, to those who distrust schools and teachers and who blame the system for all the evils of society.

We were elected to make hard decisions—to adjust revenues and expenditures, to prioritize programs, and guide this state, but this bill is a shameful abandonment of our primary job . . . to provide a quality education to every child in this state. There are new excuses every year to avoid funding but this year has certainly shown a creative variety of reasons to say NO.

I can only hope that the false rhetoric used in recent campaigns can now be clearly seen, and the hollowness of that rhetoric will be seen by all. You can run for election, but you can't hide . . . from this vote.—CHRISTINE DOWNEY

Senator Goodwin requests the record to show she concurs with the "Explanation of Vote" offered by Senator Downey on **S Sub for HB 2336**.

MR. PRESIDENT, I know my constituents agree with my "no" vote, and I know Governor Graves agrees.

In his State of the State address he said, "My recommendations provide \$68.4 million of new funding. But I don't believe that's good enough. Whatever it takes to find the resources to effectively and fairly fund K-12 education is my priority, and I urge you to consider making it yours."

Several of us answered the Governor's call, so I thought. The Education Committee worked diligently to "find the resources," but too many Senators continue to refuse to support education, instead arguing the definition of "supporting education." Let me help:

You don't support education by not increasing the base budget to an adequate level. You don't support education by holding the statewide mill levy hostage. You don't support education by attacking school boards as wasteful, or attacking teachers as overpaid, though I hear many Senators make those accusations as a flimsy excuse. Finally, you don't support education merely by saying so during a campaign.

Supporting education means heeding the Governor's call. This bill doesn't do that, it does not support education, and it does not receive my support.—ANTHONY HENSLEY

Senator Lee requests the record to show she concurs with the "Explanation of Vote" offered by Senator Hensley on **S Sub for HB 2336**.

MR. PRESIDENT: As members of the Senate Education Committee, we've had the opportunity to learn of the needs and challenges of students in public school classrooms across Kansas. The needs are there for our kids in Kansas; the political will to fund their educational opportunities by the majority of the Kansas senators is not. This measure was defined as inadequate in January—it still is in May. We vote no on **S Sub for HB 2336**.—LANA OLEEN and JOHN VRATIL

Senator Praeger requests the record to show she concurs with the "Explanation of Vote" offered by Senators Oleen and Vratil on **S Sub for HB 2336**.

MR. PRESIDENT: This school finance bill is a disappointment. It does not meet the very real needs of our schools—and our children.

But, Mr. President, those of us in the majority do not always have the luxury of defending to the last our firmly held beliefs. We also have an obligation to make the legislative process work. We tried earlier this year to pass a larger, more adequate school finance bill but that bill failed on a 17 to 23 vote. So now it is the obligation of the majority to lead—and, in this case, that means finding a school finance bill that can garner at least 21 votes. This bill is that product.

I vote aye because passing this bill is our only remaining option this session. I sincerely hope we can do much better next year.—DEREK SCHMIDT

On motion of Senator Oleen the Senate adjourned until 10:00 a.m., Monday, April 30, 2001.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

