

Journal of the Senate

FIFTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 26, 2018, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Lord, God of Heaven and earth, from Heaven's perspective You see what's going on with us today. And, from Your vantage point, You know what's needed here on earth to advance Your Heavenly agenda. In the Lord's Prayer, Matthew 6:10, Jesus, taught His disciples to pray for You to reign...for Your will to be done, here on earth like it's done in Heaven.

Lord, we need You to give us that perspective. Through Your Prophet, Isaiah, in chapter 55, You said Your thoughts and Your ways, are higher than ours...as distant from ours as the Heavens from the earth.

So, as we tackle the concerns presently facing us, give us Your perspective. That decisions here will be reflective guidance from You. In Jesus' Name, I pray. Amen

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators V. Schmidt, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1783—

A RESOLUTION congratulating and commending Jill Shelley, principal research analyst for the Kansas Legislative Research Department, for winning a Notable Document Award from the Legislative Research Librarians staff section of the National Conference of State Legislatures.

WHEREAS, The Kansas Legislative Research Department provides nonpartisan, objective research and fiscal analysis for members of the Kansas Legislature to make informed policy decisions on a wide range of topics; and

WHEREAS, Jill Shelley prepared a document entitled, "Hands-free and Distracted Driving Laws in Other States" for use by the Kansas Legislature's Senate Transportation

Committee in March 2017; and

WHEREAS, The document uses several formats to represent other states' laws and proposed legislation including a chart within the document for visual representation and an appendix to present information summarized in the memorandum in a more comprehensive manner; and

WHEREAS, The National Conference of State Legislatures (NCSL) is the organization for the staff of state legislatures and hosts the Notable Document Award through the Legislative Research Librarians staff section; and

WHEREAS, Melissa Renick, Assistant Director for Research, submitted Jill Shelley's document for consideration of the award. Each document is evaluated on specific criteria, including relevance, organization, clarity, effective use of graphics, innovation, balance and expansion of the base of knowledge on a particular subject; and

WHEREAS, Jill Shelley's work was recognized during the NCSL Legislative Summit in August 2017: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Jill Shelley for her outstanding work and for winning the Notable Document Award for her document created for the Kansas Legislature; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Schmidt, one enrolled copy to Jill Shelley and one enrolled copy to Director of Legislative Research Raney Gilliland.

On emergency motion of Senator V. Schmidt **SR 1783** was adopted unanimously.

The senate honored Jill with a standing ovation.

Senators V. Schmidt, Hensley, Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Rogers, Skubal, Sykes, Taylor, Tyson, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1784—

A RESOLUTION congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.

WHEREAS, The Kansas Governmental Ethics Commission was established by the Kansas Legislature in 1974 to administer, interpret and enforce the Campaign Finance Act and laws relating to conflicts of interest, financial disclosure and the regulation of lobbying; and

WHEREAS, Carol Williams was hired in 1977 as a report examiner. Promoted to Auditor in 1978, she became the Executive Director of the agency in 1981 and retired from that position on September 11, 2017, with 40 years of state service; and

WHEREAS, Carol was an inspirational leader with her knowledge and skills. She was described as very humble, but she did not know what the word "no" meant; and

WHEREAS, She obtained unrestricted, full subpoena power for the agency in 1998. In 2000, lobbyists were required to provide more detailed itemization of lobbying reports, which most were not happy about, but she was able to calm a majority of their fears. Carol was very ethical and wonderful with the press, but she was always very careful about what she said to them; and

WHEREAS, Carol was nonpartisan, and legislators and revisors relied on Carol's

advice when drafting laws and providing knowledgeable testimony. She oversaw required reporting forms for campaign finance, lobbying and ethics laws too numerous to count; and

WHEREAS, Carol served as an officer for the national organization of the Council on Governmental Ethics Laws for many years; and

WHEREAS, Carol was a great role model who made lifelong friendships and countless memories with colleagues, staff, reporters, legislators, lobbyists and statewide officeholders: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Carol Williams for her successful career with the Kansas Governmental Ethics Commission and the work she performed for the citizens of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Schmidt.

On emergency motion of Senator V. Schmidt **SR 1784** was adopted unanimously.

Guests introduced were Bob Williams, Jessica Lehnherr, Jason Lehnherr, Braden Lehnherr, Addison Lehnherr, Eleanor Ostler, Carol Kirkwood and Jody Kirkwood.

The senate honored Carol with a standing ovation.

COMMITTEE OF THE WHOLE

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

HB 2472, HB 2501, HB 2580, HB 2581 be passed.

HB 2444, HB 2590 be amended by the adoption of the committee amendments, and the bills be passed as amended.

HB 2419 be amended by the adoption of the committee amendments, be further amended by motion of Senator Denning; on page 1, in line 33, by striking "on July 1 of" and inserting "for"; in line 34, by striking "on July 1 of" and inserting "for";

On page 8, by striking all in lines 11 through 17, and **HB 2419** be passed as further amended.

A motion by Senator Suellentrop to further amend **HB 2419** failed and the following amendment was rejected; on page 1, in line 17, after "transfer" by inserting "100% of such certified excess, if any, from the state general fund to the Kansas public employees retirement fund for the payment of bonded indebtedness for any revenue bonds issued by the Kansas development finance authority pursuant to law for the purpose of financing the Kansas public employees retirement system. Upon the payment in full of all bonded indebtedness for any such revenue bonds,"

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

On roll call, the vote was: Yeas 16; Nays 22; Present and Passing 1; Absent or Not Voting 1.

Yeas: Baumgardner, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hilderbrand, Holland, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Rogers, Suellentrop, Taylor, Tyson.

Nays: Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Francisco, Givens, Goddard, Hardy, Hensley, Kerschen, Longbine, McGinn, Petersen, V. Schmidt, Skubal, Sykes, Wagle, Wilborn.

Present and Passing: Pettey.

Absent or Not Voting: Kelly.

A motion by Senator Francisco to amend **HB 2419** failed.

The committee report on **HB 2600** recommending **S Sub for HB 2600** be adopted, and the substitute bill be passed.

The committee report on **HB 2184** recommending **S Sub for HB 2184** be adopted, and the substitute bill be passed.

The committee rose and reported progress (See Committee of the Whole afternoon session.)

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

AFTERNOON SESSION

The senate met pursuant to recess with Vice President Longbine in the chair.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for consideration of bills under the heading of General Orders with Senator V. Schmidt in the chair.

On motion of Senator Schmidt the report for the morning and afternoon sessions were adopted.

SB 301; HB 2511; Sub HB 2556; HB 2599, HB 2606 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2129** recommending **S Sub HB 2129** be adopted, be amended by motion of Senator McGinn; on page 1, in line 12, by striking "2016" and inserting "2017"; in line 21, by striking "communications" and inserting "telecommunications";

On page 2, in line 28, by striking "2016" and inserting "2017";

On page 1, in the title, in line 4, by striking "2016" and inserting "2017", and **S Sub HB 2129** be passed as amended.

HB 2597 be amended by the adoption of the committee amendments, be further amended by motion of Senator Fitzgerald; on page 1, following line 11, by inserting:

"Sec. 2. K.S.A. 17-1312f is hereby amended to read as follows: 17-1312f. The provisions of K.S.A. 17-1308, 17-1311, 17-1312, and 17-1312a ~~to through~~ 17-1312e, ~~inclusive~~; and amendments thereto, shall apply to and be controlling upon every individual, firm, partnership or other organization hereafter selling or conveying land for cemetery purposes, and for this purpose the term "corporation," except where the context clearly indicates a different meaning, shall mean and include such individuals, firms, partnerships or organizations. The provisions of this act shall not apply to: (a) Any municipality, corporation or quasi-corporation within the state of Kansas ~~which that~~ is empowered to issue bonds in payment of which taxes may be levied; ~~or~~

(b) any nonprofit organization formed primarily for religious purposes and constituting an established church ~~and which that~~ sells or conveys cemetery lots solely to the members of its own church or to persons related by consanguinity, either lineal or collateral, by adoption; or by marriage to any such member; ~~or~~

(c) any cemetery ~~existing on March 1, 1968, located in a county designated as urban, and owned and operated on said date by a nonprofit organization owned and operated by a nonprofit corporation located in a county designated as an urban area on or before March 1, 1968; or~~

(d) any cemetery having a permanent maintenance fund of less than ~~ten thousand dollars (\$10,000) which \$10,000~~ that was organized prior to January 1, 1900, and ~~which that~~ has been maintained and operated continuously since such date.";

Also on page 1, in line 12, after "K.S.A." by inserting "17-1312f and"; also in line 12, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "concerning nonprofit cemetery corporations in certain urban area counties;"; also in line 2, after "K.S.A." by inserting "17-1312f and"; also in line 2, by striking "section" and inserting "sections", and **HB 2597** be passed as further amended.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2526**.

Announcing passage of **SB 276, SB 294**.

The House accedes to the request of the Senate for a conference on **SB 324** and has appointed Representatives Proehl, Francis and Lusker as conferees on the part of the House.

Announcing passage of **Sub HB 2427; HB 2778**.

Announcing passage of **SB 331** as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2427; HB 2526, HB 2778 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 448** be amended on page 1, in line 7, before "committee" by inserting "Joint"; also in line 7, by striking all after "the"; by striking all in line 8; in line 9, by striking "thereto" and inserting "senate committee on commerce and the house committee on commerce, labor and economic development meeting jointly together as provided in this act"; in line 18, by striking all after "Sec. 2."; by striking all in lines 19 through 36;

On page 2, by striking all in lines 1 through 20; in line 21, by striking "(f)"; in line 30, after "(a)" by inserting "The joint committee shall meet during the 2019 regular session of the legislature, and each regular session thereafter, on the call of the chairperson.

(b) A quorum of the joint committee shall be the combined quorum of the senate committee on commerce and the house committee on commerce, labor and economic development. All actions of the committee may be taken by a majority of those present when there is a quorum. In odd-numbered years the chairperson of the joint committee shall be the chairperson of the house committee on commerce, labor and economic development and the vice-chairperson shall be the chairperson of the senate committee on commerce from the convening of the regular session in that year until the convening of the regular session in the next ensuing year. In even-numbered years the chairperson of the joint committee shall be the chairperson of the senate committee on commerce and the vice-chairperson shall be the chairperson of the house committee on commerce, labor and economic development from the convening of the regular session of that year until the convening of the regular session of the next ensuing year.

(c)";

Also on page 2, also in line 30, before "committee" by inserting "joint"; in line 36, before "committee" by inserting "joint"; in line 43, before "committee" by inserting "joint";

On page 3, in line 3, before "committee" by inserting "joint"; in line 6, before "committee" by inserting "joint"; in line 8, before "committee" by inserting "joint"; also in line 8, after "committee" by inserting "report"; also in line 8, by striking "and" and inserting a comma; in line 9, by striking "in the report" and inserting "and recommendations for legislation"; also in line 9, before "committee" by inserting "joint"; in line 12, by striking all after the first period; in line 13, before "committee" by inserting "joint";

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

Also on page 3, in line 19, before "committee" by inserting "joint"; in line 23, before "committee" by inserting "joint";

On page 4, in line 12, by striking all before "committee"; in line 14, by striking all after "joint"; in line 15, by striking "incentive";

On page 1, in the title, in line 2, by striking "creating the joint economic development incentive"; also in line 2, after "review" by inserting "by the joint"; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **SB 299** be passed.

Also, **HB 2539**, as amended by House Committee of the Whole, be amended on page 1, in line 11, by striking "and" and inserting "or"; in line 12, after "Kansas" by inserting "by the deadline for filing for such office as provided in K.S.A. 25-205, and amendments thereto"; in line 16, before the period by inserting "and shall be 30 years of age or older at the time of becoming a candidate for such office"; and the bill be passed as amended.

HB 2604, as amended by House Committee, be amended on page 2, in line 34, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

HB 2642, as amended by House Committee of the Whole, be amended on page 1, in line 21, before "sponsoring" by inserting "chairperson or treasurer of the political or other organization"; in line 22, by striking "organization" and inserting "the same"; in line 30, before "or" by inserting "and the name of the chairperson or treasurer of the political or other organization sponsoring the same";

On page 2, in line 5, before "or" by inserting "and the name of the chairperson or treasurer of the political or other organization sponsoring the same"; in line 12, before "sponsoring" by inserting "chairperson or treasurer of the political or other organization"; also in line 12, by striking "organization" and inserting "the same"; in line 22, before "sponsoring" by inserting "chairperson or treasurer of the political or other organization"; in line 23, by striking "organization" and inserting "the same"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2028** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2028," as follows:

"Senate Substitute for HOUSE BILL NO. 2028
By Committee on Public Health and Welfare

"AN ACT concerning 2012 executive reorganization order no. 41; relating to the Kansas department for aging and disability services and the Kansas department for children and families; updating statutory references and making technical changes related thereto; amending K.S.A. 75-5309, 75-5904, 76-157, 76-158, 76-1238, 76-14a04 and 76-1519a and K.S.A. 2017 Supp. 21-5909, 22-3302, 36-502, 38-2006, 38-2212, 39-1702, 40-4702, 65-689, 65-6610, 75-7d01, 75-5321a and 75-7033 and repealing the existing sections; also repealing K.S.A. 76-371, 76-1510b and 76-1522.";

And the substitute bill be passed.

Also, **HB 2674**, as amended by House committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2674," as follows:

"Senate Substitute for HOUSE BILL NO. 2674

By Committee on Public Health and Welfare

"AN ACT concerning health and healthcare; relating to healthcare services; dental services; the practice of dental therapy and dental hygiene; licensure of dental therapists; telemedicine services; standards of practice; insurance coverage parity for telemedicine services; enacting the Kansas telemedicine act; amending K.S.A. 65-1421, 65-1441, 65-1449, 65-1460, 65-1462 and 74-1406 and K.S.A. 2017 Supp. 40-2,103, 40-19c09, 65-1424, 65-1431, 65-1434, 65-1436, 65-1447, 65-1456, 65-1469, 65-4915, 65-4921, 65-5912, 65-7304, 74-1405, 75-2935 and 75-6102 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Select Education Finance** recommends **SB 352** be amended on page 1, by striking all in lines 14 through 16 and inserting:

"State foundation aid (652-00-1000-0840)....."	\$96,600,000
Special education services aid (652-00-1000-0700)....."	\$10,000,000
Career and technical education transportation....."	\$650,000";

On page 2, in line 3, by striking all after the second comma; in line 4, by striking "2019,"; following line 27, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 72-5148 is hereby amended to read as follows: 72-5148. (a) (1) The transportation weighting of each school district shall be determined by the state board as follows:

~~(1) Determine the total expenditures of the school district during the preceding school year from all funds for transporting students of public and nonpublic schools on regular school routes;~~

~~(2) determine the sum of: (A) The number of students who were included in the enrollment of the school district in the preceding school year who resided less than 2½ miles by the usually traveled road from the school building such students attended and for whom transportation was made available by the school district; and (B) the number of nonresident students who were included in the enrollment of the school district for the preceding school year and for whom transportation was made available by the school district;~~

~~(3) determine the number of students who were included in the enrollment of the district in the preceding school year who resided 2½ miles or more by the usually~~

~~traveled road from the school building such students attended and for whom transportation was made available by the school district;~~

~~(4) multiply the number of students determined under subsection (a)(3) by 2.8;~~

~~(5) divide the amount determined under subsection (a)(2) by the product obtained under subsection (a)(4);~~

~~(6) add one to the quotient obtained under subsection (a)(5);~~

~~(7) multiply the sum obtained under subsection (a)(6) by the amount determined under subsection (a)(3);~~

~~(8) divide the amount determined under subsection (a)(1) by the product obtained under subsection (a)(7). The resulting quotient is the per-student cost of transportation;~~

~~(9) on a density-cost graph, plot the per-student cost of transportation for each school district;~~

~~(10) construct a curve of best fit for the points so plotted;~~

~~(11) locate the index of density for the school district on the base line of the density-cost graph and from the point on the curve of best fit directly above this point of index of density follow a line parallel to the base line to the point of intersection with the vertical line, which point is the formula per-student cost of transportation of the school district;~~

~~(12) divide the formula per-student cost of transportation of the school district by the BASE aid; and~~

~~(13) multiply the quotient obtained under subsection (a)(12) by the number of students who are included in the enrollment of the school district, are residing 2¹/₂ miles or more by the usually traveled road to the school building they attend, and for whom transportation is being made available by, and at the expense of, the district.~~

~~(b) (1) For school years 2017-2018 through 2020-2021, the transportation weighting of the school district shall be either the product determined under subsection (a)(13), or that portion of such school district's general state aid for school year 2016-2017 that was attributable to the school district's transportation weighting, whichever is greater.~~

~~(2) For school year 2021-2022, and each school year thereafter, the transportation weighting of the school district shall be the product determined under subsection (a)(13).~~

~~(e)~~

(A) Divide the BASE aid amount for the current school year by the BASE aid amount for school year 2018-2019;

(B) multiply the number of transported students by the per capita allowance that corresponds to the density figure for the school district as determined in subsection (a)(2);

(C) multiply the product obtained under subsection (a)(1)(B) by 1.00;

(D) multiply the product obtained under subsection (a)(1)(C) by the quotient obtained under subsection (a)(1)(A);

(E) divide the product obtained under subsection (a)(1)(D) by the current year BASE amount. The result is the transportation weighting of the school district.

(2) The per capita allowance shall be determined using the following chart:

Density Figure Range	Per Capita Allowance
0.000 - 0.059	\$1,580
0.060 - 0.069	\$1,520

0.070 - 0.079.....	\$1,480
0.080 - 0.089.....	\$1,440
0.090 - 0.099.....	\$1,410
0.100 - 0.109.....	\$1,380
0.110 - 0.119.....	\$1,360
0.120 - 0.129.....	\$1,340
0.130 - 0.139.....	\$1,320
0.140 - 0.149.....	\$1,300
0.150 - 0.159.....	\$1,280
0.160 - 0.169.....	\$1,270
0.170 - 0.179.....	\$1,250
0.180 - 0.199.....	\$1,240
0.200 - 0.219.....	\$1,210
0.220 - 0.239.....	\$1,190
0.240 - 0.259.....	\$1,170
0.260 - 0.289.....	\$1,150
0.290 - 0.319.....	\$1,130
0.320 - 0.349.....	\$1,110
0.350 - 0.389.....	\$1,090
0.390 - 0.429.....	\$1,070
0.430 - 0.469.....	\$1,050
0.470 - 0.519.....	\$1,030
0.520 - 0.579.....	\$1,010
0.580 - 0.649.....	\$990
0.650 - 0.719.....	\$970
0.720 - 0.809.....	\$950
0.810 - 0.909.....	\$930
0.910 - 1.019.....	\$910
1.020 - 1.149.....	\$890
1.150 - 1.299.....	\$870
1.300 - 1.469.....	\$850
1.470 - 1.669.....	\$830
1.670 - 1.909.....	\$810
1.910 - 2.189.....	\$790
2.190 - 2.509.....	\$770
2.510 - 2.899.....	\$750
2.900 - 3.359.....	\$730
3.360 - 3.899.....	\$710
3.900 - 4.559.....	\$690
4.560 - 5.349.....	\$670
5.350 - 6.399.....	\$650
6.400 - 7.499.....	\$630
7.500 - 8.999.....	\$610
9.000 - 10.799.....	\$590
10.800 - 12.999.....	\$570
13.000 - 15.799.....	\$550
15.800 - 19.399.....	\$530

19.400 +\$510

(b) (1) For school years 2018-2019 through 2020-2021, the transportation weighting of the school district shall be either the quotient determined under subsection (a)(1)(E), or that portion of such school district's general state aid for school year 2016-2017 that was attributable to the school district's transportation weighting, whichever is greater.

(2) For school year 2021-2022, and each school year thereafter, the transportation weighting of the school district shall be the quotient determined under subsection (a)(1)(E).

(c) For the purpose of providing accurate and reliable data on student transportation, the state board is authorized to adopt rules and regulations prescribing procedures that school districts shall follow in reporting pertinent information, including uniform reporting of expenditures for transportation.

(d) As used in this section:

(1) ~~"Curve of best fit" means the curve on a density-cost graph drawn so the sum of the distances squared from such line to each of the points plotted on the graph is the least possible.~~

~~(2) "Density-cost graph" means a drawing having: (A) A horizontal or base line divided into equal intervals of density, beginning with zero on the left; and (B) a scale for per-student cost of transportation to be shown on a line perpendicular to the base line at the left end thereof, such scale to begin with zero dollars at the base line ascending by equal per-student cost intervals.~~

~~(3) "Index of density" means the number of students who are included in the enrollment of a school district in the current school year, are residing the designated distance or more by the usually traveled road from the school building they attend, and for whom transportation is being made available on regular school routes by the school district, divided by the number of square miles of territory in the school district.~~

(1) "Density figure" means the area of the school district in square miles divided by the number of transported students.

(2) "Transported students" means the number of students who were included in the enrollment of the school district in the preceding year who resided 2 1/2 miles or more by the usually traveled road from the school building such students attended and for whom transportation was made available.

(e) The state board of education shall adopt a uniform policy or rule and regulation that provides the method and electronic service resource school districts shall use to calculate whether a student resides 2 1/2 miles or more by the usually traveled road from the school building such student attends and for whom transportation was made available.

Sec. 4. K.S.A. 2017 Supp. 72-5148 is hereby repealed. "

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "to" by inserting "school finance; transportation weighting calculation;"; in line 7, after "education" by inserting "; amending K.S.A. 2017 Supp. 72-5148 and repealing the existing section"; and the bill be passed as amended.

Also, **SB 422** be amended on page 1, in line 9, by striking "shall" and inserting

"may"; by striking all in line 10; in line 11, by striking all before the period and inserting "that does not exceed the state prescribed percentage"; in line 24, after "(b)" by inserting "Subject to the limitations of subsection (a), in each school year, the board of education of a school district may adopt, by resolution, a local option budget in an amount that does not exceed:

(1) The amount that the board was authorized to adopt under any resolution adopted pursuant to K.S.A. 2017 Supp. 72-6471, prior to July 1, 2017; or

(2) the state-wide average for the preceding school year as determined by the state board pursuant to subsection (j).

The adoption of a resolution pursuant to this section shall require a majority vote of the members of the board. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(c)";

Also on page 1, in line 25, by striking "required" and inserting "authorized"; in line 26, by striking "(a)" and inserting "(b)";

On page 2, in line 38, after the stricken material by inserting "The board of any school district that is authorized to adopt a local option budget may choose not to adopt such a budget or may adopt a budget in an amount less than the amount authorized. If the board of any school district whose authority to adopt a local option budget is not continuous and permanent refrains from adopting a local option budget, the authority of such school 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.";

On page 3, in line 33, by striking all after "(2)"; by striking all in lines 34 through 41; in line 42, by striking "(3)"; in line 43, by striking "(4)" and inserting "(3)";

On page 4, following line 30, by inserting:

"(j) Each year, the state board shall determine the state-wide average percentage of local option budgets legally adopted by school districts for the preceding school year.";

Also on page 4, following line 35, by inserting:

"(1) "Authorized to adopt a local option budget" means that a school district has adopted a resolution pursuant to subsection (c).";

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

On page 5, following line 39, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 72-5151 is hereby amended to read as follows: 72-5151. (a) The at-risk student weighting of each school district shall be determined by the state board as follows:

(1) Determine the number of at-risk students included in the enrollment of the school district; and

(2) ~~for a school district with an enrollment that consists of 10% or more at-risk students,~~ multiply the number determined under subsection (a)(1) by 0.484. The resulting sum is the at-risk student weighting of the school district; ~~or~~

~~(3) for a school district with an enrollment that consists of less than 10% at-risk students,~~ multiply the number of students equal to 10% of such school district's enrollment by 0.484. The resulting sum is the at-risk student weighting of the school district. ~~A school district whose at-risk student weighting is determined pursuant to this paragraph shall submit a report to the state board in such form and manner as required~~

by the state board that identifies those students enrolled in such school district who are receiving at-risk program services and the criteria each such student satisfies in order to receive at-risk program services. The state board shall adopt rules and regulations that establish the criteria for eligibility for at-risk program services. The provisions of this paragraph shall only apply to those school districts that offer instruction in kindergarten and grades one through 12.

(b) Except as provided in subsection (b)(4), the high-density at-risk student weighting of each school district shall be determined by the state board as follows:

(1) (A) If the enrollment of the school district is at least 35% at-risk students, but less than 50% at-risk students:

(i) Subtract 35% from the percentage of at-risk students included in the enrollment of the school district;

(ii) multiply the difference determined under subsection (b)(1)(A)(i) by 0.7; and

(iii) multiply the product determined under subsection (b)(1)(A)(ii) by the number of at-risk students included in the enrollment of the school district; or

(B) if the enrollment of the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of the school district by 0.105; or

(2) (A) if the enrollment of a school in the school district is at least 35% at-risk students, but less than 50% at-risk students:

(i) Subtract 35% from the percentage of at-risk students included in the enrollment of such school;

(ii) multiply the difference determined under subsection (b)(2)(A)(i) by 0.7; and

(iii) multiply the product determined under subsection (b)(2)(A)(ii) by the number of at-risk students included in the enrollment of such school; or

(B) if the enrollment of a school in the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and

(C) add the products determined under subsections (b)(2)(A)(iii) and (b)(2)(B) for each such school in the school district, respectively.

(3) The high-density at-risk weighting of the school district shall be the greater of the product determined under subsection (b)(1) or the sum determined under subsection (b)(2)(C).

(4) Commencing in school year 2018-2019, school districts that qualify to receive the high-density at-risk weighting pursuant to this section shall spend any money attributable to the school district's high-density at-risk weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 2017 Supp. 72-5153(d), and amendments thereto. If a school district that qualifies for the high-density at-risk weighting does not spend such money on such best practices, the state board shall notify the school district that it shall either spend such money on such best practices or shall show improvement within five years of notification. Improvement shall include, but not be limited to, the following: (A) The percentage of students at grade level on state math and English language arts assessments; (B) the percentage of students that are college and career ready on state math and English language arts assessments; (C) the average composite ACT score; or (D) the four-year graduation rate. If a school district does not spend such money on such best practices and does not show improvement within five years, the school district shall not qualify to receive the high-density at-risk weighting

in the succeeding school year.

(5) The provisions of this subsection shall expire on July 1, 2019.

Sec. 4. K.S.A. 2017 Supp. 72-53,113 is hereby amended to read as follows: 72-53,113. (a) The board of education of any school district may make an annual tax levy at a mill rate not to exceed the statutorily prescribed mill rate upon the taxable tangible property in the school district for the purposes specified in this act and, with respect to any redevelopment district established prior to July 1, 2017, pursuant to K.S.A. 12-1771, and amendments thereto, for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. No levy shall be made under this act until a resolution is adopted by the board of education in the following form:

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

RESOLUTION

Be It Resolved that:

The above-named school board shall be authorized to make an annual tax levy in an amount not to exceed _____ mills upon the taxable tangible property in the school district for the purpose of acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Computer software; (2) performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board; (4) architectural expenses; (5) building sites; (6) undertaking and maintenance of asbestos control projects; (7) school buses; and (8) utility expenses; (9) property and casualty insurance; ~~and (10) other fixed assets,~~ and with respect to any redevelopment district established prior to July 1, 2017, pursuant to K.S.A. 12-1771, and amendments thereto, for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. The tax levy authorized by this resolution may be made, unless a petition in opposition to the same, signed by not less than 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 40 calendar days after the last publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether the tax levy shall be authorized to the electors in the school district at an election called for that purpose or at the next general election, as is specified by the board of education of the above 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 _____, ____.

Clerk of the board of education.

All of the blanks in the above resolution shall be appropriately filled. The blank preceding the word "mills" shall be filled with a specific number. The resolution shall be published once a week for two consecutive weeks 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 of education may make the tax levy specified in the resolution. If a petition is filed as provided in the resolution, the board of education may notify the county election officer of the date of an election to be held to submit the question of whether the tax levy shall be authorized. If the board of education fails to notify the county election officer within 60 calendar days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board of education within the nine months following the first publication of the resolution.

(b) As used in this act:

(1) "Unconditionally authorized to make a capital outlay tax levy" means that the school district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election has been held by which the tax levy specified in the resolution was approved;

(2) "statutorily prescribed mill rate" means: (A) Eight mills; (B) the mill levy rate in excess of eight mills if the resolution fixing such rate was approved at an election prior to the effective date of this act; or (C) the mill levy rate in excess of eight mills if no petition or no sufficient petition was filed in protest to a resolution fixing such rate in excess of eight mills and the protest period for filing such petition has expired;

(3) "asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in buildings of school districts and includes, but not by way of limitation, any activity undertaken for the removal or encapsulation of asbestos-containing material, for any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation, for conducting inspections, re inspections and periodic surveillance of buildings, performing response actions, and developing, implementing and updating operations and maintenance programs and management plans;

(4) "asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite, and actinolite; and

(5) "asbestos-containing material" means any material or product which contains more than 1% asbestos.

Sec. 5. K.S.A. 2017 Supp. 72-53,116 is hereby amended to read as follows: 72-53,116. (a) Any moneys in the capital outlay fund of any school district and any moneys received from issuance of bonds under K.S.A. 2017 Supp. 72-53,117 or 72-53,122, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Computer software; (2) performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board of education; (4) architectural expenses; (5) building sites; (6) undertaking and maintenance of asbestos control projects; (7) school buses; and (8) utility expenses; (9) property and casualty insurance; ~~and (10) other fixed assets.~~

(b) The board of education of any school district is hereby authorized to invest any

portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein, or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the capital outlay fund.";

Also on page 5, in line 40, by striking "and" and inserting a comma; also in line 40, after "72-5145" by inserting ", 72-5151, 72-53,113 and 72-53,116";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "relating to"; in line 3, after the semicolon by inserting "at-risk weighting; capital outlay;"; also in line 3, by striking the first "and" and inserting a comma; also in line 3, after "72-5145" by inserting ", 72-5151, 72-53,113 and 72-53,116"; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2701** as recommended by Senate Committee on Commerce as reported in the Journal of the Senate on March 15, 2018, and the bill, as printed with amendments by Senate Committee, be further amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2701," as follows:

"Senate Substitute for HOUSE BILL NO. 2701

By Committee on Utilities

"AN ACT concerning broadband; creating the statewide broadband expansion planning task force; relating to the expansion of broadband services.";

And the substitute bill be passed.

REPORT ON ENROLLED BILLS

SB 351, SB 369, SB 398 reported correctly enrolled, properly signed and presented to the Governor on March 26, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

