

Journal of the Senate

THIRTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 26, 2019, 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:

God of Heaven, full of Wisdom and all Truth. I want to thank You for being so faithful, so consistent and trustworthy. We can truly depend on You when the reliability of others will tend to fall short. Your precious promises are Amen and Amen! The Words that come from You serve as a bridge, that will carry us over and above falsehood and transport us from doubt and uncertainty to a confident, dependable, unfailing optimism.

For You mean what You say! And You say what You mean! Lord, keep us from the arrogance of believing that what we say will overrule! We hear the words that come from around us, but we need to hear the Words that come from above us. Lord, by Your Spirit of Love, keep us from turning a deaf ear when You give us the hard sayings.

For You said, in Psalm 66:18 and Proverbs 28:9, that if we closed our ears and refused to listen to You, You would close Your ears and refuse to listen to us. So, Lord, speak! For we really are listening. My appeal to You is in the Name of Christ Jesus, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 218, AN ACT concerning children and minors; relating to reporting of certain abuse and neglect; duly ordained minister of religion; amending K.S.A. 2018 Supp. 38-2223 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2085**.

Financial Institutions and Insurance: **SB 217**; **HB 2101**, **HB 2119**.

Public Health and Welfare: **HB 2201**.

Transportation: **HB 2007**.

Ways and Means: **SB 216**.

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 Bowers in the chair.

SB 60, SB 63, SB 67, SB 82, SB 90; HB 2001 be passed.

SB 15, SB 94, SB 97 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 128 be amended by the adoption of the committee amendments, be further amended by motion of Senator Givens; on page 3, following line 5, by inserting:

"(d) The state fire marshal may grant an exemption pursuant to K.S.A. 31-136, and amendments thereto, that authorizes a variance for the number or manner of drills conducted pursuant to subsection (a)(5), (8) or (12) for students receiving special education or related services." and **SB 128** be passed as further amended.

SB 78 be amended by the adoption of the committee amendments, be further amended by motion of Senator Francisco; on page 1, in line 22, by striking the comma; in line 23, by striking all before "constructed"; in line 24, after "families" by inserting "and any related detached structures" and **SB 78** be passed as further amended.

The committee report on **SB 62** recommending **Sub SB 62** be adopted, and the substitute bill be passed.

A motion by Senator Pettey to amend **Sub SB 62** failed and the following amendment was rejected; on page 1, in line 7, by striking all after "Section 1."; by striking all in lines 8 through 36;

On page 2, by striking all in lines 1 through 22 and inserting "(a) The driver of an authorized emergency vehicle may:

(1) Park or stand in the median of a divided highway when actively engaged in traffic enforcement;

(2) park or stand in a restricted zone when responding to calls for service; and

(3) proceed through toll booths on roads or bridges but only after slowing down as may be necessary for safe operation.

(b) When exercising the privileges in subsection (a), the driver of an authorized emergency vehicle is not required to make use of audible signals meeting the requirements of K.S.A. 8-1738, and amendments thereto, or visual signals meeting the requirements of K.S.A. 8-1720, and amendments thereto.

(c) When exercising the privileges in subsections (a) and (b), the driver of an authorized emergency vehicle is not relieved of the requirements of K.S.A. 8-1506(d), and amendments thereto.

(d) This section shall be a part of and supplemental to article 15 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto.";

On page 1, in the title, in line 2, by striking all before "exempting"; also in line 2, by striking the second "police" and inserting "authorized emergency"

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

On roll call, the vote was: Yeas 9; Nays 29; Present and Passing 2; Absent or Not Voting 0.

Yeas: Bollier, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Pettey, Sykes, Ware.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn,

Miller, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Doll, Hawk.

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 the Committee of the Whole, for consideration of bills under the heading of General Orders with Senator Masterson in the chair.

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

SB 16 be amended by the adoption of the committee amendments,

A motion by Senator Hensley to amend **SB 16** failed and the following amendment was rejected; on page 1, following line 6, by inserting:

"Section 1.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (including official hospitality) (652-00-1000-0053).....\$13,477,957

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Special education services aid (652-00-1000-0700).....\$497,880,818

Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child, unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *And provided further*; That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3425, and amendments thereto: *And provided further*; That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing provisos, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-

3422, and amendments thereto.

State foundation aid (652-00-1000-0820).....\$2,317,774,923

Provided, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Supplemental state aid (652-00-1000-0840).....\$503,300,000

Provided, That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Mentor teacher (652-00-1000-0440).....\$1,300,000

Professional development (652-00-1000-0860).....\$1,700,000

Information technology education opportunities (652-00-1000-0600).....\$500,000

Discretionary grants (652-00-1000-0400).....\$322,457

Provided, That the above agency shall make expenditures from the discretionary grants account during the fiscal year 2020, in the amount not less than \$125,000 for after school programs for middle school students in the sixth, seventh and eighth grades: *Provided further*; That the after school programs may also include fifth and ninth grade students, if they attend a junior high: *And provided further*; That such discretionary grants shall be awarded to after school programs that operate for a minimum of two hours a day, every day that school is in session, and a minimum of six hours a day for a minimum of five weeks during the summer: *And provided further*; That the discretionary grants awarded to after school programs shall require a \$1 for \$1 local match: *And provided further*; That the aggregate amount of discretionary grants awarded to any one after school program shall not exceed \$25,000.

School food assistance (652-00-1000-0320).....\$2,510,486

School safety hotline (652-00-1000-0230).....\$10,000

KPERS – employer contributions – non-USDs (652-00-1000-0110).....\$43,015,894

Provided, That any unencumbered balance in the KPERS – employer contributions – non-USDs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That all expenditures from the KPERS – employer contributions non-USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*; That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

KPERS – employer contributions (652-00-1000-0100).....\$543,865,035

Provided, That any unencumbered balance in the KPERS – employer contributions account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That all expenditures from the KPERS – employer contributions

account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*, That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

KPERS employer contribution	
layering payment #1 (652-00-1000-0120).....	\$6,400,000
KPERS employer contribution	
layering payment #2.....	\$19,400,000
Career and technical education	
transportation (652-00-1000-0190).....	\$650,000
Education super highway (652-00-1000-0180).....	\$950,000

Provided, That any unencumbered balance in the education super highway account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Juvenile transitional crisis center	
pilot project (652-00-1000-0210).....	\$300,000

Provided, That expenditures from the juvenile transitional crisis center pilot project account shall be used by the above agency during fiscal year 2020 to develop a regional crisis center pilot project at the Beloit special education cooperative, founded on research and evidence-based practices designed to meet the unique social and emotional needs of students identified as at-risk or with disabilities: *Provided further*, That such project shall provide individualized programming to attain such student's high school diploma and job skills while working through the social skills program: *And provided further*, That the commissioner of education shall provide an update on the implementation of the pilot project developed by this proviso to the legislature on or before the first day of the 2020 regular legislative session.

ACT and workkeys assessments	
program (652-00-1000-0140).....	\$2,800,000

Provided, That expenditures shall be made by the above agency from the ACT and workkeys assessments program account to provide the ACT college entrance exam and the three ACT workkeys assessments that are required to earn a national career readiness certificate to each student enrolled in grades nine through 12: *Provided further*, That no student enrolled in grades nine through 12 of any school district shall be required to pay any fees or costs to take such exam and assessments: *And provided further*, That in no event shall any school district be required to provide for more than one exam and three assessments per student: *And provided further*, That the state board of education may enter into any contracts that are necessary to promote statewide cost savings to administer such exams and assessments.

Mental health intervention team	
pilot program (652-00-1000-0150).....	\$4,190,776

Provided, That expenditures shall be made by the above agency to implement the mental health intervention team pilot program so as to improve social-emotional

wellness and outcomes for students by increasing schools' access to counselors, social workers and psychologists statewide: *Provided further*; That school districts participating in such program shall enter into the necessary memorandums of understanding and other necessary agreements with participating community mental health centers and the appropriate state agencies to implement the pilot program: *And provided further*; That mental health intervention teams shall consist of school liaisons employed by the participating school district, and clinical therapists and case managers employed by the participating community mental health center: *And provided further*; That the following shall participate in the pilot program for fiscal year 2020: (1) 23 schools in the Wichita school district (U.S.D. no. 259); (2) 28 schools in the Topeka school district (U.S.D. no. 501); (3) 10 schools in the Kansas City school district (U.S.D. no. 500); (4) 5 schools in the Parsons school district (U.S.D. no. 503); (5) 4 schools in the Garden City school district (U.S.D. no. 457); and (6) 9 schools served by the fiscal agent, Abilene school district (U.S.D. no. 435): *And provided further*; That on or before June 30, 2020, the director of the division of health care finance of the department of health and environment shall certify to the director of the budget and the director of the legislative research department the aggregate amount of expenditures for fiscal year 2020 for treatment and services for students provided under the mental health intervention team pilot program, or provided based on a referral from such program.

MHIT pilot program – online database (652-00-1000-0160).....	\$500,000
MHIT school liaisons (652-00-1000-0170).....	\$3,263,110

Provided, That expenditures shall be made by the above agency for mental health intervention team school liaisons employed by those school districts participating in the mental health intervention team pilot program.

Educable deaf-blind and severely handicapped children's programs aid (652-00-1000-0630).....	\$110,000
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School district juvenile detention facilities and Flint Hills job corps center grants (652-00-1000-0290).....	\$5,060,528
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Provided, That any unencumbered balance in the school district juvenile detention facilities and Flint Hills job corps center grants account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-1173, and amendments thereto.

Governor's teaching excellence scholarships and awards (652-00-1000-0770).....	\$360,693
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Provided, That any unencumbered balance in the governor's teaching excellence scholarships and awards account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That all expenditures from the

governor's teaching excellence scholarships and awards account for teaching excellence scholarships shall be made in accordance with K.S.A. 72-2166, and amendments thereto: *And provided further*, That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants for governor's teaching excellence scholarships shall be deposited in the state treasury and credited to the governor's teaching excellence scholarships program repayment fund (652-00-7221-7200).

Governor's scholars program scholarships
and awards (652-00-1000-0770).....\$20,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

State school district
finance fund (652-00-7393-7000).....No limit

School district capital
improvements fund (652-00-2880-2880).....No limit

Provided, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-5457, and amendments thereto.

Mineral production
education fund (652-00-7669-7669).....No limit

School district capital outlay
state aid fund.....No limit

Conversion of materials and
equipment fund (652-00-2420-2020).....No limit

State safety fund (652-00-2538-2030).....No limit

Provided, That notwithstanding the provisions of K.S.A. 8-272, and amendments thereto, or any other statute, funds shall be distributed during fiscal year 2020 as soon as moneys are available.

School bus safety fund (652-00-2532-2300)..... No limit

Motorcycle safety fund (652-00-2633-2050).....No limit

Federal indirect cost
reimbursement fund (652-00-2312-2200).....No limit

Teacher and administrator
fee fund (652-00-2723-2060).....No limit

Food assistance – federal fund (652-00-3230-3020).....	No limit
Food assistance – school breakfast program – federal fund (652-00-3529-3490).....	No limit
Food assistance – national school lunch program – federal fund (652-00-3530-3500).....	No limit
Food assistance – child and adult care food program – federal fund (652-00-3531-3510).....	No limit
Community-based child abuse prevention – federal fund (652-00-3319-7400).....	No limit
Family and children investment fund (652-00-7375).....	No limit
Elementary and secondary school aid – federal fund (652-00-3233-3040).....	No limit
Educationally deprived children – state operations – federal fund (652-00-3131-3130).....	No limit
Elementary and secondary school – educationally deprived children – LEA's fund (652-00-3532-3520).....	No limit
Education of handicapped children fund – federal (652-00-3234-3050).....	No limit
Education of handicapped children fund – state operations – federal fund (652-00-3534-3540).....	No limit
Education of handicapped children fund – preschool – federal fund (652-00-3535-3550).....	No limit
Education of handicapped children fund – preschool state operations – federal (652-00-3536-3560).....	No limit
Elementary and secondary school aid – federal fund – migrant education fund (652-00-3537-3570).....	No limit
Elementary and secondary school aid – federal fund – migrant education – state operations (652-00-3538-3580).....	No limit

Vocational education title I –
 federal fund (652-00-3539-3590).....No limit

Vocational education title I – federal fund –
 state operations (652-00-3540-3600).....No limit

Educational research grants and
 projects fund (652-00-3592-3070).....No limit

Inservice education workshop
 fee fund (652-00-2230-2010).....No limit

Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Private donations, gifts, grants and
 bequests fund (652-00-7307-5000).....No limit

Reimbursement for
 services fund (652-00-3056-3200).....No limit

Communities in schools
 program fund (652-00-2221-2400).....No limit

Governor's teaching
 excellence scholarships program
 repayment fund (652-00-7221-7200).....No limit

Provided, That all expenditures from the governor's teaching excellence scholarships program repayment fund shall be made in accordance with K.S.A. 72-2166, and amendments thereto: *Provided further*, That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants made under the governor's teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor's teaching excellence scholarships program repayment fund.

State grants for improving teacher quality –
 federal fund (652-00-3526-3860).....No limit

State grants for improving

teacher quality – federal fund – state operations (652-00-3527-3870).....	No limit
21 st century community learning centers – federal fund (652-00-3519-3890).....	No limit
State assessments – federal fund (652-00-3520-3800).....	No limit
Rural and low-income schools program – federal fund (652-00-3521-3810).....	No limit
TANF children's programs – federal fund (652-00-3323-0531).....	No limit
ESSA – student support academic enrichment – federal fund (652-00-3113-3113).....	No limit
Language assistance state grants – federal fund (652-00-3522-3820).....	No limit
Service clearing fund (652-00-2869-2800).....	No limit
Local school district contribution program checkoff fund (652-00-7005-7005).....	No limit
Educational technology coordinator fund (652-00-2157-2157).....	No limit

Provided, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2020, from the educational technology coordinator fund of the department of education to provide data on the number of school districts served and cost savings for those districts in fiscal year 2020 in order to assess the cost effectiveness of the position of educational technology coordinator.

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2020, the following:

Parent education program (652-00-2000-2510).....	\$8,237,635
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Provided, That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant.

Children's cabinet accountability fund (652-00-2000-2402).....	\$375,000
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Provided, That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

CIF grants (652-00-2000-2408).....	\$18,127,914
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Provided, That any unencumbered balance in the CIF grants account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Quality initiative infants
and toddlers (652-00-2000-2420).....\$500,000

Provided, That any unencumbered balance in the quality initiative infants and toddlers account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Early childhood block grant
autism diagnosis (652-00-2000-2422).....\$50,000

Provided, That any unencumbered balance in the early childhood block grant autism diagnosis account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Communities aligned in early development
and education (652-00-2000-2550).....\$1,000,000

Pre-K pilot (652-00-2000-2435).....\$4,200,000

(d) On July 1, 2019, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-1,148 or 38-1808, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund (652-00-7375-7900) of the department of education to the communities in schools program fund (652-00-2221-2400) of the department of education.

(e) On March 30, 2020, and June 30, 2020, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$550,000 from the state safety fund (652-00-2538-2030) to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the department of education by other state agencies that receive appropriations from the state general fund to provide such services.

(f) On July 1, 2019, and quarterly thereafter, the director of accounts and reports shall transfer \$72,500 from the state highway fund of the department of transportation to the school bus safety fund (652-00-2532-2300) of the department of education.

(g) On July 1, 2019, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund (652-00-2633-2050) of the department of education to the motorcycle safety fund (561-00-2366-2360) of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of education based on the amounts required to be paid pursuant to K.S.A. 8-272(b)(2), and amendments thereto.

(h) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2020, the following:

KPERS – school employer

contribution (652-00-1700-1700).....\$41,632,883

(i) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$97,250 from the USAC E-rate program federal fund (561-00-3920-3920) of the state board of regents to the education technology coordinator fund (652-00-2157-2157) of the department of education: *Provided*, That the department of education shall provide information and data regarding the number of school districts served and cost savings attained by such school districts in order to assess the cost effectiveness of having this education technology coordinator position: *Provided further*, That such information and data shall be available by the department of education by the end of the fiscal year 2020.

(j) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2020, the following:

Children's cabinet administration (652-00-7000-7001).....\$256,234

Provided, That any unencumbered balance in the children's cabinet administration account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(k) During the fiscal year ending June 30, 2020, the commissioner of education, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the state general fund for the department of education to another item of appropriation for fiscal year 2020 from the state general fund for the department of education. The commissioner of education shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 2.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2021, the following:

State foundation aid (652-00-1000-0820).....\$2,485,241,292

Provided, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021.

Supplemental state aid (652-00-1000-0840).....\$519,300,000

Provided, That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021.

KPERS – employer

contributions – non-USDs (652-00-1000-0100).....\$46,620,938

Provided, That any unencumbered balance in the KPERS – employer contributions – non-USDs account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021: *Provided further*, That all expenditures from the KPERS – employer contributions non-USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*, That expenditures from this

account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

KPERS – employer
 contributions – USDs (652-00-1000-0110).....\$567,075,949

Provided, That any unencumbered balance in the KPERS – employer contributions account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021: *Provided further*; That all expenditures from the KPERS – employer contributions account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*; That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2021, all moneys now or hereafter fully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Mineral production
 education fund (652-00-7669-7669).....No limit

State school district
 finance fund (652-00-7393-7000).....No limit

(c) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2021, the following:

KPERS – school employer
 contribution (652-00-1700-1700).....\$41,640,023

Sec. 3. K.S.A. 72-5132 is hereby amended to read as follows: 72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto:

(a) "Adjusted enrollment" means the enrollment of a school district adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk student weighting; bilingual weighting; career technical education weighting; high-density at-risk student weighting; high enrollment weighting; low enrollment weighting; school facilities weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.

(b) "Ancillary school facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5158, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(c) (1) "At-risk student" means a student who is eligible for free meals under the national school lunch act, and who is enrolled in a school district that maintains an approved at-risk student assistance program.

(2) The term "at-risk student" shall not include any student enrolled in any of the grades one through 12 who is in attendance less than full time, or any student who is

over 19 years of age. The provisions of this paragraph shall not apply to any student who has an individualized education program.

(d) "At-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(a), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(e) "Base aid for student excellence" or "BASE aid" means an amount appropriated by the legislature in a fiscal year for the designated year. The amount of BASE aid shall be as follows:

- (1) For school year 2018-2019, \$4,165;
- (2) for school year 2019-2020, ~~\$4,302~~ \$4,436;
- (3) for school year 2020-2021, ~~\$4,439~~ \$4,697;
- (4) for school year 2021-2022, ~~\$4,576~~ \$4,958;
- (5) for school year 2022-2023, ~~\$4,713~~ \$5,219; and

(6) for school year 2023-2024, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years rounded to the nearest whole dollar amount.

(f) "Bilingual weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5150, and amendments thereto, on the basis of costs attributable to the maintenance of bilingual educational programs by such school districts.

(g) "Board" means the board of education of a school district.

(h) "Budget per student" means the general fund budget of a school district divided by the enrollment of the school district.

(i) "Categorical fund" means and includes the following funds of a school district: Adult education fund; adult supplementary education fund; at-risk education fund; bilingual education fund; career and postsecondary education fund; driver training fund; educational excellence grant program fund; extraordinary school program fund; food service fund; parent education program fund; preschool-aged at-risk education fund; professional development fund; special education fund; and summer program fund.

(j) "Cost-of-living weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5159, and amendments thereto, on the basis of costs attributable to the cost of living in such school districts.

(k) "Current school year" means the school year during which state foundation aid is determined by the state board under K.S.A. 72-5134, and amendments thereto.

(l) "Enrollment" means:

(1) The number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the preceding school year plus the number of preschool-aged at-risk students regularly enrolled in the school district on September 20 of the current school year, except a student who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the school district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the school district for at least one semester or two quarters, or the equivalent thereof.

(2) If the enrollment in a school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means the sum of:

(A) The enrollment in the second preceding school year, excluding students under paragraph (2)(B), minus enrollment in the preceding school year of preschool-aged at-risk students, if any, plus enrollment in the current school year of preschool-aged at-risk students, if any; and

(B) the adjusted enrollment in the second preceding school year of any students participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the preceding school year, if any, plus the adjusted enrollment in the preceding school year of preschool-aged at-risk students who are participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the current school year, if any.

(3) For any school district that has a military student, as that term is defined in K.S.A. 72-5139, and amendments thereto, enrolled in such district, and that received federal impact aid for the preceding school year, if the enrollment in such school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means whichever is the greater of:

(A) The enrollment determined under paragraph (2); or

(B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:

(i) The enrollment of the school district in the preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;

(ii) the enrollment in the second preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any; and

(iii) the enrollment in the third preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any.

(4) The enrollment determined under paragraph (1), (2) or (3), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.

(m) "February 20" has its usual meaning, except that in any year in which February 20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.

(n) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

(o) "General fund" means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 72-528, and amendments thereto,

payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.

(p) "General fund budget" means the amount budgeted for operating expenses in the general fund of a school district.

(q) "High-density at-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(r) "High enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(s) "Juvenile detention facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.

(t) "Local foundation aid" means the sum of the following amounts:

(1) An amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and authorized to be expended for the purposes specified in K.S.A. 72-5168, and amendments thereto;

(2) an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to their repeal;

(3) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district under the provisions of K.S.A. 72-3123(a), and amendments thereto;

(4) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district pursuant to contracts made and entered into under authority of K.S.A. 72-3125, and amendments thereto;

(5) an amount equal to the amount credited to the general fund in the current school year from moneys distributed in such school year to the school district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and under the provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;

(6) an amount equal to the amount of payments received by the school district under the provisions of K.S.A. 72-3423, and amendments thereto;

(7) an amount equal to the amount of any grant received by the school district under the provisions of K.S.A. 72-3425, and amendments thereto; and

(8) an amount equal to 70% of the federal impact aid of the school district.

(u) "Low enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(a), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(v) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a school district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 72-5168, and amendments thereto.

(w) "Preceding school year" means the school year immediately before the current school year.

(x) "Preschool-aged at-risk student" means an at-risk student who has attained the age of three years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines governing the selection of students for participation in head start programs.

(y) "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. The terms "exceptional children" and "gifted children" have the same meaning as those terms are defined in K.S.A. 72-3404, and amendments thereto.

(z) "Psychiatric residential treatment facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.

(aa) "School district" means a school district organized under the laws of this state that is maintaining public school for a school term in accordance with the provisions of K.S.A. 72-3115, and amendments thereto.

(bb) "School facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5156, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(cc) "School year" means the 12-month period ending June 30.

(dd) "September 20" has its usual meaning, except that in any year in which September 20 is not a day on which school is maintained, it means the first day after September 20 on which school is maintained.

(ee) "Special education and related services weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5157, and amendments thereto, on the basis of costs attributable to the maintenance of special education and related services by such school districts.

(ff) "State board" means the state board of education.

(gg) "State foundation aid" means the amount of aid distributed to a school district as determined by the state board pursuant to K.S.A. 72-5134, and amendments thereto.

(hh) (1) "Student" means any person who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 maintained by the school district or who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 in another school district in accordance with an agreement entered into under authority of K.S.A. 72-13,101, and amendments thereto, or who is regularly enrolled in a school district and attending special education services provided for preschool-aged exceptional children by the school district.

(2) (A) Except as otherwise provided in this subsection, the following shall be counted as one student:

(i) A student in attendance full-time; and

(ii) a student enrolled in a school district and attending special education and related services, provided for by the school district.

(B) The following shall be counted as $\frac{1}{2}$ student:

(i) A student enrolled in a school district and attending special education and related services for preschool-aged exceptional children provided for by the school

district; and

(ii) a preschool-aged at-risk student enrolled in a school district and receiving services under an approved at-risk student assistance plan maintained by the school district.

(C) A student in attendance part-time shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance bears to full-time attendance.

(D) A student enrolled in and attending an institution of postsecondary education that is authorized under the laws of this state to award academic degrees shall be counted as one student if the student's postsecondary education enrollment and attendance together with the student's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the student shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the total time of the student's postsecondary education attendance and attendance in grades 11 or 12, as applicable, bears to full-time attendance.

(E) A student enrolled in and attending a technical college, a career technical education program of a community college or other approved career technical education program shall be counted as one student, if the student's career technical education attendance together with the student's attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the student shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the total time of the student's career technical education attendance and attendance in any of grades nine through 12 bears to full-time attendance.

(F) A student enrolled in a school district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance at the non-virtual school bears to full-time attendance.

(G) A student enrolled in a school district and attending special education and related services provided for by the school district and also attending a virtual school shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance at the non-virtual school bears to full-time attendance.

(H) (i) Except as provided in clause (ii), a student enrolled in a school district who is not a resident of Kansas shall be counted as follows:

- (a) For school year 2018-2019, one student;
- (b) for school years 2019-2020 and 2020-2021, $\frac{3}{4}$ of a student; and
- (c) for school year 2021-2022 and each school year thereafter, $\frac{1}{2}$ of a student.

(ii) This subparagraph (H) shall not apply to:

(a) A student whose parent or legal guardian is an employee of the school district where such student is enrolled; or

(b) a student who attended public school in Kansas during school year 2016-2017 and who attended public school in Kansas during the immediately preceding school year.

(3) The following shall not be counted as a student:

(A) An individual residing at the Flint Hills job corps center;

(B) except as provided in paragraph (2), an individual confined in and receiving educational services provided for by a school district at a juvenile detention facility; and

(C) an individual enrolled in a school district but housed, maintained and receiving educational services at a state institution or a psychiatric residential treatment facility.

(4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et seq., and amendments thereto, shall be counted in accordance with the provisions of K.S.A. 72-

3715, and amendments thereto.

(ii) "Total foundation aid" means an amount equal to the product obtained by multiplying the BASE aid by the adjusted enrollment of a school district.

(jj) "Transportation weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5148, and amendments thereto, on the basis of costs attributable to the provision or furnishing of transportation.

(kk) "Virtual school" means the same as such term is defined in K.S.A. 72-3712, and amendments thereto.;

On page 4, in line 2, after "K.S.A." by inserting "72-5132,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "to" by inserting "the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2020, and June 30, 2021, for the department of education;"; in line 2, by striking all after the semicolon; in line 3, by striking "fund;"; also in line 3, after "K.S.A." by inserting "72-5132,"

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

On roll call, the vote was: Yeas 12; Nays 28; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Pettey, Sykes, Ware.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

The amendment was rejected.

EXPLANATION OF VOTE

Mr. Chairman: The strength of the legislative process is the thorough vetting of legislation producing a product that has the best interests of Kansas and its citizens at the fore front. Legislation that is as significant as school finance, which comprises over 50 percent of the State Budget, deserves that consideration. School finance is too important to be submitted as an amendment offered on the floor of the Senate. It is my expectation that a school finance bill that has gone through the rigor of the committee process will be introduced for this body to debate by March 15. I vote "NO."—ED BERGER

Senators Billinger, Goddard, Hardy, Skubal and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **SB 16**.

SB 68 be amended by the adoption of the committee amendments, be further amended by motion of Senator Petersen; on page 10, in line 6, by striking the second comma; by striking all in line 7; in line 9, by striking ", consistent with federal and state law,"; in line 11, by striking "through" and inserting "by requiring a small cell facility deployment agreement or"; also in line 11, after the comma by inserting "through"; in line 12, by striking "and" and inserting "or"; in line 13, after "thereof" by inserting ", in a manner consistent with federal and state law"; in line 31, by striking the comma and inserting ":

(A)"

Also on page 10, also in line 31, after "terms" by inserting ""authority,""; in line 32, after "facility,"" by inserting ""utility pole,""; in line 34, by striking the period and inserting "; and

(B) "small cell facility deployment agreement" means an agreement between a wireless services provider or wireless infrastructure provider and an authority for the deployment of small cell facilities on or adjacent to existing, modified, replacement or new utility poles within the public right-of-way pursuant to K.S.A. 66-2019, and amendments thereto, and federal law. A "small cell facility deployment agreement" is not a franchise, franchise agreement, franchise ordinance, contract franchise or contract franchise ordinance." and SB 68 be passed as further amended.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2215, HB 2365**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2215, HB 2365 were thereupon introduced and read by title.

CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **SB 168** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Commerce**.

Under the authority of the President, the Vice President withdrew **SB 157** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Judiciary**.

Under the authority of the President, the Vice President withdrew **SB 122** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Public Health and Welfare**.

REPORT ON ENROLLED BILLS

SB 9 reported correctly enrolled, properly signed and presented to the Governor on February 26, 2019.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, February 27, 2019.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

