

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 22, 2022, 9:30 a.m.

The Senate was called to order by President Ty Masterson.

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

“The Influence of The Insignificant”
1 Corinthians 5:6 and Galatians 5:9

Heavenly Father, it's the day after Presidents Day. But, inspire us to keep on praying for our presidents, for our leaders, for all of us in these halls that have to do with governing. In fact, for all of us who preside over matters that are crucial in determining the quality of our future.

And Lord, unofficially that does apply to all of us. For even the smallest of matters can produce the greatest of influences. To remind us of the significant influence the small can have with the mighty, in 1 Corinthians 5:6 and Galatians 5:9, You said that just a little yeast will spread through the entire batch of dough.

Dr. MLK reminded us, “If a man is called to be a street sweeper, he should sweep streets even as a Michaelangelo painted, or Beethoven composed music or Shakespeare wrote poetry. He should sweep streets so well, and here's the influence, that all the hosts of heaven and earth will pause to say, 'Here lived a great street sweeper, who did his job well.'”

Remind us Lord, that in Your economy, the potential for all of us is more than we can imagine. You had Jesus choose 12 misfits to be world changers and one of them was a devil.

So Lord, encourage us to stir our yeast of goodness in the lives of those we encounter. I pray this, in the Name of Jesus, Goodness personified!

The Pledge of Allegiance was led by President Masterson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 531, AN ACT concerning health professions and practices; enacting the massage therapist licensure act; providing for regulation and licensing of massage therapists; powers, duties and functions of the state board of healing arts, by Committee on Federal and State Affairs.

SB 532, AN ACT concerning elections; relating to candidate names on ballots; allowing candidates for nonpartisan office to have such candidate's political party

provided with such candidate's name; amending K.S.A. 25-613 and repealing the existing section, by Committee on Federal and State Affairs.

SB 533, AN ACT concerning drivers' licenses; relating to commercial drivers' licenses; prohibiting prosecuting attorneys from concealing certain traffic violations from the CDLIS driver report; increasing the period of disqualification length for certain offenses; amending K.S.A. 2021 Supp. 8-2,142 and 8-2,150 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 534, AN ACT concerning crimes, punishment and criminal procedure; enacting the reduce armed violence act; increasing criminal penalties for certain violations of criminal possession of a weapon by a convicted felon that involve firearms; amending K.S.A. 2021 Supp. 21-6804 and repealing the existing section, by Committee on Federal and State Affairs.

SB 535, AN ACT concerning law enforcement; relating to applicants for law enforcement officer positions; requiring hiring agencies to determine whether applicants have been employed in law enforcement and examine certain records; amending K.S.A. 75-4379 and repealing the existing section, by Committee on Federal and State Affairs.

SB 536, AN ACT concerning wrongful conviction; requiring the attorney general to investigate allegations of misconduct by a prosecuting attorney that may have contributed to a wrongful conviction and, if the evidence warrants, prosecute any appropriate criminal charges and commence ouster proceedings against such prosecuting attorney; providing that prosecuting attorneys shall not have immunity from such criminal charges or ouster proceedings; amending K.S.A. 2021 Supp. 60-5004 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 528**.

Judiciary: **HCR 5014**.

Transportation: **SB 529, SB 530**.

COMMITTEE OF THE WHOLE

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

SB 336, SB 366, SB 367, SB 405, SB 408, SB 419, SB 421, SB 435 be passed.

The committee report on **SB 400, SB 450** recommending **Sub SB 400, Sub SB 450** be adopted, and the substitute bills be passed.

SB 399, SB 417, SB 425, SB 448 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 373 be amended by the adoption of the committee amendments, be further amended by motion of Senator Thompson; on page 1, following line 32, by inserting:

"Sec. 3.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) Any unencumbered balance in the midwest stem cell therapy center account (683-00-1000-0800) in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024: *Provided*, That during the fiscal year ending June 30, 2024, expenditures

may be made from the midwest stem cell therapy account in an amount not to exceed \$500,000 for the purpose of conducting clinical trials to treat COVID-19 patients using MSCTC-0010 cells developed at the midwest stem cell therapy center: *Provided further*; That such expenditures shall be made solely under the direction and control of the director of the midwest stem cell therapy center.";

And by renumbering sections accordingly;

Also, on page 1, in the title, in line 2, by striking "and"; also in line 2, after the fourth comma by inserting "and June 30, 2024,"

and **SB 373** be passed as further amended.

SB 161 be amended by the adoption of the committee amendments, be further amended by motion of Senator O'Shea; on page 3, by striking all in lines 14 through 43;

By striking all on pages 4 through 7;

On page 8, by striking all in lines 1 through 14; following line 14, by inserting:

"Sec. 4. K.S.A. 2021 Supp. 8-126 is hereby amended to read as follows: 8-126. As used in this act, ~~the following words and phrases have the meanings respectively ascribed to them herein:~~

(a) "All-terrain vehicle" means any motorized nonhighway vehicle 55 inches or less in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 1,500 pounds or less, traveling on three or more nonhighway tires.

(b) "Autocycle" means a three-wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.

(c) "Commission" or "state highway commission" means the director of vehicles of the department of revenue.

(d) "Contractor" means a person, partnership, corporation, local government, county government, county treasurer or other state agency that has contracted with the department to provide services associated with vehicle functions.

(e) "Department" or "motor vehicle department" or "vehicle department" means the division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas.

(f) "Division" means the division of vehicles of the department of revenue.

(g) "Electric-assisted scooter" means every self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding.

(h) "Electric personal assistive mobility device" means a self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(i) "Electric vehicle" means a vehicle that is powered by an electric motor drawing current from rechargeable storage batteries or other portable electrical energy storage devices, provided the recharge energy must be drawn from a source off the vehicle, such as, but not limited to:

(1) Residential electric service; and

(2) an electric vehicle charging station, also called an EV charging station, an electric recharging point, a charging point, electric vehicle supply equipment (EVSE) or

a public charging station.

(j) "Electronic certificate of title" means any electronic record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. 2021 Supp. 8-135d, and amendments thereto.

(k) "Electronic notice of security interest" means the division's online internet program that enables a dealer or secured party to submit a notice of security interest as defined in this section, and to cancel the notice or release the security interest using the program. This program is also known as the Kansas elien or KSelien.

(l) "Farm tractor" means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

(m) "Farm trailer" means every trailer and semitrailer as those terms are defined in this section, designed and used primarily as a farm vehicle.

(n) "Foreign vehicle" means every motor vehicle, trailer, or semitrailer that shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and has not been registered in this state.

(o) "Golf cart" means a motor vehicle that does not have fewer than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

(p) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" does not include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

(q) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. "Implement of husbandry" includes, but is not limited to:

- (1) A farm tractor;
- (2) a self-propelled farm implement;
- (3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;
- (4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung; and
- (5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

(r) "Lien" means a security interest as defined in this section.

(s) "Lightweight roadable vehicle" means a multipurpose motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and flown under the direction of, the federal aviation administration.

(t) "Manufacturer" means every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

(u) "Micro utility truck" means any motor vehicle that is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an

unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle or recreational off-highway vehicle.

(v) "Motor vehicle" means every vehicle, other than a motorized bicycle or a motorized wheelchair, that is self-propelled. "Motor vehicle" does not include a personal delivery device.

(w) "Motorcycle" means every motor vehicle, including autocycles, designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as defined in this section.

(x) "Motorized bicycle" means every device having two tandem wheels or three wheels, that may be propelled by either human power or helper motor, or by both, and has:

- (1) A motor that produces not more than 3.5 brake horsepower;
- (2) a cylinder capacity of not more than 130 cubic centimeters;
- (3) an automatic transmission; and
- (4) the capability of a maximum design speed of no more than 30 miles per hour.

(y) "Motorized wheelchair" means any self-propelled vehicle designed specifically for use by a physically disabled person and such vehicle is incapable of a speed in excess of 15 miles per hour.

(z) "New vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles who holds a dealer's contract therefor from a manufacturer or distributor and has an established place of business in this state.

(aa) "Nonresident" means every person who is not a resident of this state.

(bb) "Notice of security interest" means a notification to the division from a dealer or secured party of a purchase money security interest as provided in article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, upon a vehicle that has been sold and delivered to the purchaser describing the vehicle and showing the name, address and acknowledgment of the secured party as well as the name and address of the debtor or debtors and other information the division requires.

(cc) "Oil well servicing, oil well clean-out or oil well drilling machinery or equipment" means a vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is oil well servicing, oil well clean-out or oil well drilling machinery or equipment.

(dd) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

(ee) "Passenger vehicle" means every motor vehicle, as defined in this section, that

is designed primarily to carry 10 or fewer passengers, and is not used as a truck.

(ff) "Person" means every natural person, firm, partnership, association or corporation.

(gg) "Personal delivery device" means the same as defined in section 1, and amendments thereto.

(hh) "Pole trailer" means any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

(~~hh~~)(ii) "Recreational off-highway vehicle" means any motor vehicle not greater than 75 inches in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 3,500 pounds or less, traveling on four or more nonhighway tires.

(~~ii~~)(jj) "Road tractor" means every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

(~~jj~~)(kk) "Self-propelled farm implement" means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(~~kk~~)(ll) "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(~~ll~~)(mm) "Specially constructed vehicle" means any vehicle that shall not have been originally constructed under a distinctive name, make, model or type, or that, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(~~mm~~)(nn) "Trailer" means every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(~~nn~~)(oo) "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

(~~oo~~)(pp) "Truck" means a motor vehicle that is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(~~pp~~)(qq) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

(~~qq~~)(rr) "Used vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer's contract for the sale of new motor vehicles, travel trailers or vehicles.

(~~rr~~)(ss) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks. "Vehicle" does not include a personal delivery device.

(~~ss~~)(tt) "Vehicle functions" means services relating to the application, processing, auditing or distribution of original or renewal vehicle registrations, certificates of title, driver's licenses and division-issued identification cards associated with services and functions set out in articles 1, 2 and 13 of chapter 8 of the Kansas Statutes Annotated,

and amendments thereto. "Vehicle functions" may also include personal property taxation duties set out in article 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and other vehicle-related events described in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto.

~~(#)~~(uu) "Work-site utility vehicle" means any motor vehicle that is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck or recreational off-highway vehicle.";

Also on page 8, in line 15, by striking "2020" and inserting "2021";

On page 1, in the title, in line 3, by striking "2020" and inserting "2021"

A motion by Senator Olson to rerefer **SB 161** back to committee failed.

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

On motion of Senator Alley, the Senate recessed until 2:30 p.m.

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

AFTERNOON SESSION

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2517**, **HB 2594**, **HB 2607**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2517, **HB 2594**, **HB 2607** were thereupon introduced and read by title.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for consideration of bills under the heading of General Orders with Senator Bowers in the Chair.

On motion of Senator Bowers, the report for the morning and the following afternoon session was adopted.

SB 368, **SB 434**, **SB 440**, **SB 441** be passed.

An amendment was offered by Senator Holscher on **SB 368**. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

SB 385, be amended by the adoption of the committee amendments and the bill be passed as amended.

SB 161 be further amended by motion of Senator Holland; on page 2, in line 27, after "requirements" by inserting "except as provided herein"; in line 29, after "law" by inserting ", except that a personal delivery device shall be subject to the annual commercial vehicle fee pursuant to K.S.A. 2021 Supp. 8-143m, and amendments thereto, for commercial vehicles more than 10,000 pounds and up to 12,000 pounds";

On page 5, in line 28, after "device" by inserting ", except for purposes of the commercial vehicle fee pursuant to section 2(d), and amendments thereto";

On page 7, in line 40, after "device" by inserting ", except for purposes of the commercial vehicle fee pursuant to section 2(d), and amendments thereto"

and **SB 161** be passed as further amended.

A motion by Senator Holland to further amend **SB 161** failed.

SB 395 be amended by the adoption of the committee amendments, be further amended by motion of Senator Hilderbrand; on page 1, in line 18, by striking the colon; by striking all in lines 19 through 21; in line 22, by striking "(2)"; in line 23, by striking "primary"

and **SB 395** be passed as further amended.

A motion by Senator Hilderbrand to further amend **SB 395** failed, and the following amendment was rejected; on page 1, in line 6, by striking "Except as provided in subsection (b)."; in line 17, by striking all after "(b)"; by striking all in lines 18 through 24; in line 25, by striking "(c)"

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

On roll call, the vote was: Yeas 14; Nays 22; Present and Passing 2; Absent or Not Voting 2.

Yeas: Erickson, Gossage, Hilderbrand, Kloos, Masterson, Olson, Peck, Petersen, Pyle, Steffen, Straub, Thompson, Tyson, Warren.

Nays: Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Longbine, McGinn, Pettey, Pittman, Ryckman, Suellentrop, Sykes, Ware, Wilborn.

Present and Passing: Baumgardner, Billinger.

Absent or Not Voting: Alley, O'Shea.

A motion by Senator Straub to rerefer **SB 395** back to committee was withdrawn.

A motion by Senator Pittman to rerefer **SB 395** back to committee failed.

SB 348 be amended by the adoption of the committee amendments, be further amended by motion of Senator Francisco; on page 3, in line 12, after the comma by inserting "electric needles,"

and the bill be passed as further amended.

Vice President Wilborn assumed the chair.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Public Member, Employment Security Board of Review: 44-709

Dawn McClure, to fill a term expiring on June 30, 2024

Public Member, Employment Security Board of Review: 44-709

Amber Neises, to fill a term expiring on June 30, 2024

Public Member, Employment Security Board of Review: 44-709

Pam Pierce, to fill a term expiring on June 30, 2024

Public Member, Employment Security Board of Review: 44-709

Connor Cross, to fill a term expiring on March 15, 2025

Also, **HB 2219** be amended on page 1, in line 28, by striking "to" and inserting "than"; in line 31, after "is" by inserting "a Kansas resident, is";

On page 2, in line 11, by striking "2021" and inserting "2022"; also in line 11, by striking "2026" and inserting "2027"; in line 27, by striking "typical" and inserting "usual and customary"; in line 28, by striking "and" and inserting a comma; also in line 28, after "forward" by inserting "and shall only be used once each taxable year against tax liability imposed by only one of the income, privilege or premium taxes";

On page 3, in line 38, by striking "days" and inserting "day"; also in line 38, by striking "2022" and inserting "2023"; also in line 38, by striking "2026" and inserting "2027"; in line 41, by striking "2027" and inserting "2028, except that tax credits earned in tax year 2027 may be awarded by the secretary of revenue as provided by this act"; and the bill be passed as amended.

Committee on **Education** recommends **SB 341** be amended on page 9, following line 40, by inserting:

"Sec. 3. K.S.A. 72-5461 is hereby amended to read as follows: 72-5461. (a) Upon receiving an application under K.S.A. 72-5460, and amendments thereto, the state board of education shall review the application and examine the evidence furnished in support of the application.

(b) (1) ~~Commencing in school year 2017-2018,~~ The state board of education shall not approve any application submitted during the current school year if such approval would result in the aggregate amount of all general obligation bonds approved by the state board for such school year exceeding the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year adjusted for inflation pursuant to paragraph (4). For any application submitted during the current school year in excess of \$175,000,000, the state board shall apply only an amount of \$175,000,000 of such application when determining whether the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year has been exceeded. In determining whether to approve an application, the state board shall prioritize applications in accordance with the priorities set forth as follows in order of highest priority to lowest priority:

(A) Safety of the current facility and disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation;

(B) enrollment growth and imminent overcrowding as demonstrated by successive increases in enrollment of the school district in the immediately preceding three school years;

(C) impact on the delivery of educational services as demonstrated by restrictive inflexible design or limitations on installation of technology; and

(D) energy usage and other operational inefficiencies as demonstrated by a district-wide energy usage analysis, district-wide architectural analysis or other similar evaluation.

(2) The state board shall not consider a school district's eligibility for capital improvement state aid, or the amount of capital improvement state aid a school district would be eligible to receive, in determining whether to approve such district's application.

(3) The provisions of subsection (b)(1) shall not apply to school districts that:

(A) Have not issued any general obligation bonds in the 25 years prior to the current school year; or

(B) do not receive capital improvement state aid because such school district is not

eligible to receive such aid or has opted out of receiving such aid in the resolution adopted as provided in K.S.A. 72-5457, and amendments thereto.

(4) The state board shall adjust the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year by adding an amount equal to the five-year compounded percentage increase in the producer price index industry data for new school building construction as published by the bureau of labor statistics of the United States department of labor for the five immediately preceding school years.

(c) After reviewing the application and examining the supportive evidence, the state board of education shall issue an order either granting or denying the application. If the application is approved, the applicant board of education shall request the county election officer to hold an election to vote upon the question of issuing the increased amount of bonds in the manner provided by law.

(d) Any application that is denied pursuant to subsection (b) may be tentatively approved by the state board of education for the immediately succeeding school year. The amount of general obligation bonds approved in any such application shall be counted first towards the aggregate amount of all general obligation bonds approved by the state board for such school year.

(e) ~~Commencing in school year 2017-2018,~~ The state board of education shall determine the aggregate principal amount of general obligation bonds retired in the immediately preceding school year.

(f) The provisions of subsections (b), (d) and (e) shall expire on June 30, ~~2022-2027~~.

Sec. 4. K.S.A. 2021 Supp. 72-5462 is hereby amended to read as follows: 72-5462.

(a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district ~~which that~~ is obligated to make payments from its capital improvements fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection.

(1) For general obligation bonds approved for issuance at an election held prior to July 1, 2015, the state board of education shall:

(A) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state for the preceding school year and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(1);

(B) determine the median AVPP of all school districts;

(C) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(D) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the

schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 72-5463, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;

(E) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held prior to July 1, 2015; and

(F) multiply the amount determined under subsection (b)(1)(E) by the applicable state aid percentage factor.

(2) For general obligation bonds approved for issuance at an election held on or after July 1, 2015, the state board of education shall:

(A) Except as provided in subsection (b)(8), determine the amount of the AVPP of each school district in the state for the preceding school year and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(2);

(B) except as provided in subsection (b)(8), prepare a schedule of dollar amounts using the amount of the AVPP of the school district with the lowest AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts;

(C) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the lowest AVPP shown on the schedule and decreasing the state aid computation percentage assigned to the amount of the lowest AVPP by one percentage point for each \$1,000 interval above the amount of the lowest AVPP. Except as provided by K.S.A. 72-5463, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid computation percentage is 75%;

(D) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held on or after July 1, 2015; and

(E) multiply the amount determined under subsection (b)(2)(D) by the applicable state aid percentage factor.

(3) For general obligation bonds approved for issuance at an election held on or before June 30, 2016, the sum of the amount determined under subsection (b)(1)(F) and the amount determined under subsection (b)(2)(E) is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(4)(A) For general obligation bonds approved for issuance at an election held on or after July 1, 2016, the amount determined under subsection (b)(2)(E) is the amount of payment the school district shall receive from the school district capital improvements

fund in the school year, except the total amount of payments school districts receive from the school district capital improvements fund in the school year for such bonds shall not exceed the six-year average amount of capital improvement state aid as determined by the state board of education.

~~(A)~~(B) The state board of education shall determine the six-year average amount of capital improvement state aid by calculating the average of the total amount of moneys expended per year from the school district capital improvements fund in the immediately preceding six fiscal years, not to include the current fiscal year.

~~(B)~~(C) (i) Subject to clause (ii), the state board of education shall prioritize the allocations to school districts from the school district capital improvements fund in accordance with the priorities set forth as follows in order of highest priority to lowest priority:

(a) Safety of the current facility and disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation;

(b) enrollment growth and imminent overcrowding as demonstrated by successive increases in enrollment of the school district in the immediately preceding three school years;

(c) impact on the delivery of educational services as demonstrated by restrictive inflexible design or limitations on installation of technology; and

(d) energy usage and other operational inefficiencies as demonstrated by a district-wide energy usage analysis, district-wide architectural analysis or other similar evaluation.

(ii) In allocating capital improvement state aid, the state board shall give higher priority to those school districts with a lower AVPP compared to the other school districts that are to receive capital improvement state aid under this section.

~~(C)~~(D) On and after July 1, 2016, the state board of education shall approve the amount of state aid payments a school district shall receive from the school district capital improvements fund pursuant to subsection (b)(5) prior to an election to approve the issuance of general obligation bonds.

(5) Except as provided in subsections (b)(6) ~~and (b)(7)~~ through (b)(8), the sum of the amounts determined under subsection (b)(3) and the amount determined or allocated to the district by the state board of education pursuant to subsection (b)(4), is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(6) A school district that had an enrollment of less than 260 students in the school year immediately preceding the school year in which an election is held to approve the issuance of general obligation bonds shall not be entitled to receive payments from the school district capital improvements fund unless such school district applied for and received approval from the state board of education to issue such bonds prior to holding an election to approve such bond issuance. The provisions of this paragraph shall apply to general obligation bonds approved for issuance at an election held on or after July 1, 2017, that are issued for the purpose of financing the construction of new school facilities.

(7) For general obligation bonds approved for issuance at an election held on or after July 1, 2017, in determining the amount under subsection (b)(2)(D), the state board shall exclude payments for any capital improvement project, or portion thereof,

that proposes to construct, reconstruct or remodel a facility that would be used primarily for extracurricular activities, unless the construction, reconstruction or remodeling of such facility is necessary due to concerns relating to the safety of the current facility or disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation.

(8) For general obligation bonds approved for issuance at an election held on or after July 1, 2022, the state board of education shall:

(A) In preparing the schedule of dollar amounts pursuant to subsection (b)(2)(B), exclude unified school district No. 207, Fort Leavenworth, from such schedule and determine the point of beginning based on the amount of the AVPP of the school district with the lowest AVPP of the remaining school districts; and

(B) in determining the amount of the AVPP of a school district, exclude the number of students enrolled in a virtual school, as defined in K.S.A. 72-3712, and amendments thereto, that is offered by such school district from the determination of the AVPP of such school district.

(c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, 2021, June 30, 2022, and June 30, 2023, shall be considered to be revenue transfers from the state general fund.

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.

(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

~~(f) On or before the first day of the legislative session in 2017, and~~ Each year thereafter, the state board of education shall prepare and submit a report to the legislature that includes information on school district elections held on or after July 1, 2016, to approve the issuance of general obligation bonds and the amount of payments school districts were approved to receive from the school district capital improvements fund pursuant to subsection ~~(b)(4)(C)~~ (b)(4)(D):";

Also on page 9, in line 41, after "72-5135" by inserting "and 72-5461"; also in line 41, after "72-5132" by inserting "and 72-5462";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "to"; in line 2, by striking all

before the semicolon and inserting "state aid"; in line 3, after the semicolon by inserting "excluding Fort Leavenworth school district and virtual school students from the capital improvement state aid determination; extending the general obligation bond limitation;"; also in line 3, after "72-5135" by inserting "and 72-5461"; in line 4, after "72-5132" by inserting "and 72-5462"; and the bill be passed as amended.

Also, **SB 362** be amended on page 1, in line 13, by striking "preparing" and inserting "approving"; in line 18, by striking "preparation" and inserting "approval"; in line 23, by striking "each student" and inserting "all students"; in line 24, by striking all before "proficiency"; also in line 24, after "proficiency" by inserting "above level 1 for grade level academic expectations"; in line 28, by striking "each"; in line 29, by striking "student" and inserting "all students"; also in line 29, by striking "grade level"; also in line 29, after "proficiency" by inserting "above level 1 for grade level academic expectations";

On page 2, in line 3, after "district" by inserting "and available on the school district's website"; also in line 3, by striking all after the period; by striking all in lines 4 and 5; in line 10, by striking all after "district and"; in line 11, by striking "request" and inserting "available on the school district's website"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends Committee on **Public Health and Welfare** recommends **HB 2279** be amended as recommended by the Committee on Public Health and Welfare as reported in the Journal of the Senate on March 25, 2021, and the bill be further amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2279," as follows:

"Senate Substitute for HOUSE BILL NO. 2279

By Committee on Public Health and Welfare

"AN ACT concerning health professions and practices; relating to advanced practice registered nurses; licensure thereof; authorizing the prescribing of drugs without a supervising physician; requiring malpractice insurance coverage; rules and regulations; amending K.S.A. 65-1130 and K.S.A. 2021 Supp. 65-1626 and 65-4101 and repealing the existing sections.";

And the substitute bill be passed.

Also, **SB 453** be amended on page 1, in line 26, by striking "unlicensed employees of" and inserting "certified aides working in"; in line 31, by striking all before "is" and inserting "certified aides";

On page 2, in line 2, by striking "unlicensed person" and inserting "certified aide"; in line 20, by striking "unlicensed employees of" and inserting "certified aides working in"; in line 25, by striking all before "is" and inserting "certified aides"; in line 36, by striking all after the period; by striking all in lines 37 through 39; in line 41, by striking all before "shall" and inserting "certified aides";

On page 3, in line 5, by striking "unlicensed employees of" and inserting "certified aides working in"; in line 12, by striking "Unlicensed employees of" and inserting "Certified aides working in"; in line 19, by striking "unlicensed"; in line 20, by striking all before "adult" and inserting "certified aides working in"; in line 23, by striking "unlicensed employees of" and inserting "certified aides working in"; in line 36, by striking "unlicensed employees of" and inserting "certified aides working in"; in line 40, by striking all after "individual"; in line 41, by striking all before "adult" and inserting "working as a certified aide in an";

On page 4, in line 3, by striking "unlicensed employee of"; also in line 3, before "an"

by inserting "certified aide working in"; in line 9, by striking all before "the" and inserting "when"; also in line 9, by striking "unlicensed employee" and inserting "certified aide has not"; in line 14, by striking "an unlicensed employee of" and inserting "a certified aide working in";

On page 1, in the title, in line 1, by striking "unlicensed employees" and inserting "certified aides working in adult care homes"; in line 2, by striking "unlicensed employee" and inserting "certified aide"; in line 4, by striking all after the semicolon; in line 5, by striking all before "amending"; and the bill be passed as amended.

On motion of Senator Alley, the Senate adjourned until 9:30 a.m., Wednesday, February 23, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

