

Journal of the House

SIXTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, May 4, 2012, 9:30 a.m.

The House met pursuant to adjournment with Speaker O'Neal in the chair.

The roll was called with 120 members present.

Rep. LeDoux was excused on verified illness.

Reps. Aurand, Hineman, Ruiz and Schwartz were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

God in Heaven,
 In the midst of this wrap-up session,
 perhaps there are several who are feeling like this old adage:
 We have an important job to do
 and Everybody is sure that Somebody will do it.
 Anybody can do it, but Nobody has done it.
 Somebody is angry about this,
 because it is Everybody's job.
 Everybody thinks that Anybody can do it,
 but Nobody realizes that
 Everybody won't do it.
 Help us not to end up with
 Everybody blaming Somebody,
 when Nobody does
 what Anybody can do.
 As we work together today to accomplish
 the work for which we have been elected,
 help us to dialogue—
 keeping in mind that two monologues do not make a dialogue.
 Help us to listen—
 keeping in mind that mouth and ears cannot be engaged at the same time.
 And grant us wisdom—
 keeping in mind that communication and collaboration can bring resolution.
 In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Moxley.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **Sub SB 449**.

MESSAGE FROM THE SENATE

The Senate adopts the Conference Committee report on **SB 14**.

The Senate adopts the Conference Committee report on **SB 262**.

The Senate adopts the Conference Committee report on **S Sub for HB 2313**.

The Senate adopts the Conference Committee report on **S Sub for HB 2596**.

The Senate not adopts the Conference Committee report on **H Sub for Sub SB 148**, requests a conference and appoints Senators Taddiken, Teichman and Francisco as second conferees on the part of the Senate.

Also, announcing passage of **HB 2249**, as amended by **S Sub for S Sub for HB 2249**; **HB 2324**, as amended; **Sub HB 2333**, as amended by **S Sub for Sub HB 2333**; **HB 2729**, as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfroid, the House acceded to the request of the Senate for a conference on **H Sub for Sub SB 148**.

Speaker O'Neal thereupon appointed Reps. Powell, Kerschen and Williams as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfroid, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **S Sub for S Sub for HB 2249**; **S Sub for Sub HB 2333**; **HB 2562**, **HB 2690**, **HB 2792**, **HB 2793**; **H Sub for SB 79**; **H Sub for SB 313**; **SB 314**, **SB 356**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. M. Holmes, the House nonconcurred in Senate amendments to **S Sub for Sub HB 2333** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. M. Holmes, Grange and Ruiz as conferees on the part of the House.

On motion of Rep. Siegfroid, the House resolved into the Committee of the Whole, with Rep. Grange in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Grange, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2792**; **SB 356** be passed.

Committee report to **HB 2793** be adopted; and the bill be passed as amended.

Committee report to **SB 314** be adopted; and the bill be passed as amended.

On motion of Rep. Otto, **HB 2690** be referred to Committee on Health and Human Services.

Committee report recommending a substitute bill to **H Sub for SB 313** be adopted; also, on motion of Rep. Rubin, be amended on page 2, in line 9, after "abortions" by inserting a comma; in line 11, by striking the period and inserting ": Provided however, that"; also in line 11, by striking "act" and inserting "subsection"; in line 12, by striking "their" and inserting "such physician's";

On page 13, in line 2, by striking all after "received"; in line 3, by striking all before "available";

On page 15, in line 34, by striking "abortion services,";

On page 17, in line 13, by striking "abortion services,";

On motion of Rep. Loganbill to amend **H Sub for SB 313**, the motion did not prevail.

Roll call was demanded on motion of Rep. Bollier to refer **H Sub for SB 313** to Committee on Health and Human Services.

On roll call, the vote was: Yeas 35; Nays 76; Present but not voting: 0; Absent or not voting: 14.

Yeas: Ballard, Bollier, Burroughs, Carlin, Colloton, Davis, Finney, Flaharty, Frownfelter, S. Gatewood, Gordon, Henderson, Hill, Johnson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Peterson, Phillips, Proehl, Roth, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: Alford, Arpke, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hoffman, C. Holmes, Howell, Huebert, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Phelps, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Smith, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf.

Present but not voting: None.

Absent or not voting: Aurand, Bethell, Billinger, Brookens, Hineman, M. Holmes, Kelley, Landwehr, LeDoux, O'Neal, Pottorff, Ruiz, Schwartz, Suellentrop.

The motion of Rep. Bollier did not prevail.

Also, roll call was demanded on motion of Rep. Bollier to amend **H Sub for SB 313**, on page 11, following line 15, by inserting:

"(4) a description of risks related to the continuation of pregnancy, including but not limited to: Bleeding during pregnancy, cervical cerclage, cholestasis of pregnancy, fetal alcohol spectrum disorders (FASD), gestational diabetes, gestational hypertension, polyhydramnios (high amniotic fluid levels), hyperemesis gravidarum, incompetent cervix, small for gestational age, oligohydramnios (low amniotic fluid levels), miscarriage, molar pregnancy, placenta accreta, placenta previa, placental abruption, preeclampsia, and Rh factor disease; complications that a reasonable patient would consider material to the decision of whether or not to continue with the pregnancy;"

And by renumbering remaining paragraphs accordingly;

On roll call, the vote was: Yeas 37; Nays 77; Present but not voting: 0; Absent or not voting: 11.

Yeas: Ballard, Bollier, Burroughs, Carlin, Colloton, Davis, Dillmore, Feuerborn,

Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Grosserode, Henderson, Hill, Kuether, Loganbill, Mah, McCray-Miller, Meier, Peterson, Phelps, Pottorff, Roth, Slattery, Sloan, Spalding, Tietze, Trimmer, Victors, Ward, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: Alford, Arpke, Boman, Bowers, Brookens, Brown, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phillips, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf.

Present but not voting: None.

Absent or not voting: Aurand, Bethell, Billinger, Bruchman, Henry, Hineman, Lane, LeDoux, Ruiz, Schwab, Schwartz.

The motion of Rep. Bollier did not prevail.

Also, on further motion of Rep. Bollier to amend **H Sub for SB 313**, the motion did not prevail. Also, on motion of Rep. Johnson to amend, the motion did not prevail, and **H Sub for SB 313** be passed as amended.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Henry are spread upon the Journal:

Today we gather to remember and to express our sympathy to the family of David Ernest Enzbrenner of the Atchison Police Department. On Friday, December 9, 2011, Sgt. Enzbrenner was killed in the line of duty.

Today is the State of Kansas Law Enforcement Memorial Service, and the name of Sgt. David E. Enzbrenner will be added to the memorial monument located on the grounds of the State Capitol Building.

We have with us today, the family of David Enzbrenner: David's wife, Kerri; and his three daughters Avery, Abbi, and Celia. The Kansas House of Representatives wishes to express our deepest sympathy to Sgt. Enzbrenner's entire family.

Also with us today, is the Atchison Police Department. They have come to Topeka today to remember their brother officer as his name is added to the Police Officer's memorial. Chief of Police, Michael Wilson, is also with us. Chief Wilson asked me to express his deep appreciation to the House of Representatives, and to the entire State of Kansas for the tremendous outpouring of sympathy and support that his police department received. Over 500 police officers from the entire State of Kansas came to Atchison to participate in the funeral of David Enzbrenner and to show support to their brother law enforcement officers.

I would like to ask the House of Representatives to show our deepest sympathy to the David Enzbrenner family, the Atchison Police Department, and the Community of Atchison. We would also like to express our appreciation to the dedicated service of all law enforcement officers in the State

REPORTS OF STANDING COMMITTEES

Education Budget Committee recommends **Sub for SB 393**, be amended by adoption of the amendments recommended by the House Committee on Education as reported in the Journal of the House on March 19, 2012, and the bill, as printed with House Committee amendments, be further amended:

On page 10, in line 6, following "(2)", by inserting:

"Each school year, to the extent there are sufficient moneys appropriated to the career technical education secondary program, the state board of regents shall distribute state funds to community colleges, technical colleges and the Washburn institute of technology for the cost associated with secondary students enrolled in postsecondary career technical education programs as determined by the state board of regents.";

Also on page 10, in line 12, before "For", by inserting:

"(3)";

On page 11, in line 37, following "2012-2013" by inserting ", school year 2013-2014 and school year 2014-2015";

On page 12, in line 4, by striking "2013-2014" and inserting "2015-2016";

Also on page 12, following line 11, by inserting:

"New Sec. 9. On or before January 15, 2014, the state board of education shall prepare a report to the legislature proposing a strategy and plan for providing state aid to career technical education programs or courses in school districts. In preparing such report, the state board of education shall consider the funding scheme under the postsecondary tiered technical education state aid act. The report shall include, but not be limited to, recommendations for legislative changes and estimates of the cost to the state of implementing such changes.

New Sec. 10. (a) If a pupil submits an application for free meals under the national school lunch act on or before the date on which the enrollment of the school district is calculated and it is later determined by the school district or the department of education that the pupil should not have been eligible for free meals, the district or the department shall notify the state board of such determination. Except as provided in subsection (b), upon receipt of such notice, the state board shall recompute the adjusted enrollment of the district and the general fund budget of the district based on the adjusted enrollment of the district excluding the at-risk pupil weighting, medium density at-risk pupil weighting and high density at-risk pupil weighting, if any, assigned to such pupil.

(b) If a pupil becomes ineligible to receive free meals under the national school lunch act for failure to submit, in a timely manner, any documentation necessary for verification of eligibility as required by the national school lunch act, but subsequently submits such documentation, such pupil shall not be excluded from the calculation of the adjusted enrollment of the district if the district forwards a copy of such documentation to the state board no later than January 14 of the school year.

(c) This section shall be part of and supplemental to the school district finance and quality performance act. This section shall be applicable to school year 2012-2013 and each school year thereafter.

Sec. 11. K.S.A. 2011 Supp. 72-6455 is hereby amended to read as follows: 72-6455. (a) ~~As used in this section, school district means any district having: (1) An enrollment of at least 50% at-risk pupils; or (2) an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 212.1 pupils per square mile.~~

~~(b) The high density at-risk pupil weighting of each school district shall be determined by the state board by multiplying the number of at-risk pupils by .10. The product is the high density at-risk pupil weighting of the district.~~

~~(c) If a school district becomes ineligible for high density at-risk pupil weighting because enrollment of at-risk pupils in the district falls below the requirements of subsection (a), the high density at-risk pupil weighting of the district shall be the greater of: (1) The high density at-risk pupil weighting in the current school year; (2) the high density at-risk pupil weighting in the prior school year; or (3) the average of the high density at-risk pupil weighting in the current school year and the preceding two school years.~~

~~The provisions of this subsection paragraph shall expire on June 30, 2011.~~

The high density at-risk pupil weighting of each school district shall be determined by the state board as follows:

(A) Except as provided in subparagraph (C), if the district has an enrollment of at least 35%, but less than 50% at-risk pupils, the state board shall:

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

(ii) multiply the amount determined under clause (i) by .7; and

(iii) multiply the number of at-risk pupils enrolled in the district by the product determined under clause (ii). The resulting product is the high density at-risk pupil weighting of the district.

(B) If the district has an enrollment of 50% or more at-risk pupils, the state board shall multiply the number of at-risk pupils by .105. The resulting product is the high density at-risk pupil weighting of the district.

(C) If the district has an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 212.1 pupils per square mile, the state board shall multiply the number of at-risk pupils by .105. The resulting product is the high density at-risk pupil weighting of the district.

Sec. 12. K.S.A. 2011 Supp. 72-8814 is hereby amended to read as follows: 72-8814. (a) There is hereby established in the state treasury the school district capital outlay state aid fund. Such fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district which levies a tax pursuant to K.S.A. 72-8801 *et seq.*, and amendments thereto, shall be entitled to receive payment from the school district capital outlay state aid fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

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

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

(3) 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;

(4) (A) 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. 2011 Supp. 72-8814b, 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, except that the state aid percentage factor of a school district shall not exceed 100%. ~~The state aid computation percentage is 25%;~~

(B) (i) For levies imposed by a school district pursuant to a resolution adopted and published under this section prior to July 1, 2012, and such resolution either was not protested or that it was protested and an election has been held prior to July 1, 2012, the state aid computation percentage is 25%.

(ii) For levies imposed by a school district pursuant to a resolution adopted and published under this section prior to July 1, 2012, and the protest period had not expired prior to July 1, 2012, or such resolution was protested and the election was not held prior to July 1, 2012, the state aid computation percentage is 15%.

(iii) For levies imposed by a school district pursuant to a resolution adopted on or after July 1, 2012, the state aid computation percentage is 15%; and

(5) determine the amount levied by each school district pursuant to K.S.A. 72-8801 *et seq.*, and amendments thereto; and

(6) multiply the amount computed under (5), but not to exceed 8 mills, by the applicable state aid percentage factor. The product is the amount of payment the school district is entitled to receive from the school district capital outlay state aid fund in the school year.

(c) The state board 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 outlay state aid fund for distribution to school districts, except that no transfers shall be made from the state general fund to the school district capital outlay state aid fund during the fiscal years ending June 30, 2012, or June 30, 2013. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.

(d) Payments from the school district capital outlay state aid fund shall be distributed to school districts at times determined by the state board of education. 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 capital outlay fund of the school district to be used for the purposes of such fund.

(e) Amounts transferred to the capital outlay fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the amount of state aid to which a district is entitled to receive under this section.

Sec. 13. K.S.A. 2011 Supp. 75-2319 is hereby amended to read as follows: 75-

2319. (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) Subject to the provisions of subsection (f), in each school year, each school district which 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. The state board of education shall:

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

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

(3) 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;

(4) (A) 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. 2010 Supp. 75-2319c, 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 5% for contractual bond obligations incurred by a school district prior to the effective date of this act, and 25% for contractual bond obligations incurred by a school district on or after the effective date of this act;~~

(B) (i) For contractual bond obligations incurred by a school district prior to July 1, 1992, the state aid computation percentage is 5%.

(ii) For contractual bond obligations incurred by a school district on or after July 1, 1992, if the issuance of such bonds has been approved by the electors of the school district at an election held prior to January 1, 2013, the state aid computation percentage is 25%.

(iii) For contractual bond obligations incurred by a school district the issuance of which was approved by the electors of the district at an election held on or after January 1, 2013, the state aid computation percentage is 15%;

(5) determine the amount of payments in the aggregate that a school district is obligated to make from its bond and interest fund and, of such amount, compute the amount attributable to contractual bond obligations incurred by the school district ~~prior to the effective date of this act and the amount attributable to contractual bond obligations incurred by the school district on or after the effective date of this act~~ under paragraphs (4)(B)(i), (4)(B)(ii) and (4)(B)(iii) of this subsection;

(6) multiply each of the amounts computed under (5) by the applicable state aid percentage factor; and

(7) add the products obtained under (6). The amount of the sum is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(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, 2011, and June 30, 2012, 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) Amounts transferred to the capital improvements fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the amount of state aid to which a district is entitled to receive under this section.

New Sec. 14. (a) As used in this section:

(1) "School district" or "district" means a school district having less than 200 square miles in area and an enrollment of less than 400.

(2) "Joint committee" means the joint committee on state building construction.

(b) The board of education of any school district shall not authorize the issuance of any bonds for the construction of a new building without having first advised and consulted with the joint committee. Prior to the date of the hearing of the joint committee at which the board is scheduled to appear, the board shall submit any information requested by the joint committee. Following such hearing, the committee shall make a recommendation on the advisability of the proposed issuance of bonds. A copy of the committee's recommendation shall be provided to the school district and to the state board of education within 15 days of the date of the hearing.

(c) The provisions of this section shall not apply to any district which is not entitled to state aid under K.S.A. 75-2319, and amendments thereto.

New Sec. 15. Moneys received by a school district from bonds issued by the school district shall be used for the purposes for which the bonds were issued in pursuant to the election on the bonds.

New Sec. 16. (a) As used in this section:

- (1) "Applicant" means a person who:
 - (A) Is seeking certification as a teacher at the secondary level in the state of Kansas to teach a career technical education course or program in a school district; and
 - (B) is currently employed by a community college, technical college or the institute of technology, to teach a career technical education course or program;
 - (2) "board" means the board of education of any public school district;
 - (3) "career technical education" shall have the same meaning as such term is defined in K.S.A. 72-4412, and amendments thereto;
 - (4) "career technical education course or program" means a course or program approved by the state board for high school credit;
 - (5) "teacher preparation program" means professional education pedagogy coursework provided at an accredited college or university engaged in teacher preparation; and
 - (6) "state board" means the state board of education.
- (b) No applicant shall be required to complete a teacher preparation program prior to certification as a teacher in the area of instruction of career technical education.
- (c) An applicant shall be authorized to teach only in the subject or subjects specified on the face of the certificate to teach.
- (d) The state board shall adopt rules and regulations necessary to carry out the provisions of this section.
- (e) This section shall be part of and supplemental to the provisions of article 13 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 17. (a) (1) The board of education of each school district may apply to the state board for a grant of state moneys for the purpose of paying the costs for a probationary teacher or administrative employee to attend mentor programs. The state board shall award such grants of state moneys in accordance with the provisions of this section.

(2) To be eligible to receive a grant of state moneys, a board of education shall submit to the state board an application for a grant. The application shall be prepared in such form and manner as the state board shall require and shall be submitted at a time to be determined and specified by the state board. Approval by the state board of the application is prerequisite to the award of a grant.

(3) Each board of education which is awarded a grant shall make such periodic and special reports of statistical, financial and such other information to the state board as the state board may request.

- (b) The state board may adopt rules and regulations, which establish:
 - (1) Standards and criteria for evaluating and approving mentor programs and applications of school districts for grants; and
 - (2) the evaluation and approval of mentor programs.
- (c) Within the limitations of appropriations therefor, the state board shall determine the amount of grants to be awarded to each school district by considering the number of probationary teachers and administrative employees participating in a mentor program. Upon receipt of a grant of state moneys, in accordance with this section, the amount of the grant shall be deposited in the general fund of a school district. Moneys deposited in the general fund of a school district under this subsection shall be considered reimbursements for the purpose of the school district finance and quality performance

act. The full amount of the grant shall be allocated among the probationary teachers and administrative employees employed by the school district.

(d) The state board shall provide any board of education of any school district, upon request, with technical advice and assistance regarding an application for a grant of state moneys.

(e) This section shall be part of and supplemental to the provisions of article 14 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 18. Evaluations adopted under K.S.A. 72-9004, and amendments thereto, shall meet the following criteria:

(a) Multiple measures of student achievement and growth to significantly inform the evaluation. Such multiple measures shall be determined by the state board of education.

(b) (1) An annual designation of each employee in one of the following rating categories:

- (A) Highly effective;
- (B) effective;
- (C) progressing; or
- (D) ineffective.

(2) The designation of a rating category under this subsection shall be based on the employee's performance using growth in student achievement as measured pursuant to subsection (a) as the primary factor for the evaluation.

(3) As used in this subsection the terms "highly effective," "effective," "progressing" and "ineffective" shall be defined by the state board of education so as to clearly describe the effectiveness of an employee in accordance with the standards for effective employees as established by law or rules and regulations.

(c) Recommendations for areas in which the employee shall improve to achieve a higher rating category.

(d) A plan of assistance including, but not limited to, a timeline for when any recommended improvement is expected to be achieved. If the employee receives a rating of "progressing" or "ineffective," such plan of assistance shall also include a process by which such employee is given the opportunity to correct the identified deficiencies in the employee's performance.

(e) This section shall be part of and supplemental to the provisions of article 90 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 19. (a) Grounds for nonrenewal or termination of a contract of a teacher who has earned due process protections and rights under K.S.A. 72-5445, and amendments thereto, include, but are not limited to, a teacher's receipt of a rating designation of ineffective pursuant to K.S.A. 72-9001 *et seq.*, and amendments thereto, in two consecutive school years and, during such two-year period, the teacher was provided an opportunity to participate in appropriate professional development in accordance with the provisions of K.S.A. 72-9601 *et seq.*, and amendments thereto.

(b) This section shall be part of and supplemental to the provisions of article 54 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 20. (a) Any moneys received under K.S.A. 72-9608, and amendments thereto, shall be expended towards deficiencies identified through the evaluation procedure set forth in K.S.A. 72-9001 *et seq.*, and amendments thereto, and to support activities identified by the state board of education that measure teacher performance,

including, but not limited to, growth in student achievement.

(b) The state board of education shall adopt any rules and regulations relating to expenditures of state aid which the state board deems necessary to administer and enforce the professional development act.

(c) This section shall be part of and supplemental to the professional development act.

Sec. 21. K.S.A. 72-1412 is hereby amended to read as follows: 72-1412. As used in K.S.A. 72-1412 through 72-1415 and section 17, and amendments thereto:

(a) "Administrative employee" means, in the case of a school district, any person who is employed by a board of education in an administrative capacity, and who is fulfilling duties for which an administrator's certificate is required under K.S.A. 72-7513, and amendments thereto.

(b) "Mentor program" means any research-based mentoring program approved by the state board for the purpose of providing probationary teachers and administrative employees with professional support.

(c) "Mentor teacher program" means a program established and maintained by the board of education of a school district for the purpose of providing probationary teachers with professional support and the continuous assistance of an on-site mentor teacher.

~~(b)~~(d) "Mentor teacher" means a certificated teacher who has completed at least three consecutive school years of employment in the school district, has been selected by the board of education of the school district on the basis of having demonstrated exemplary teaching ability as indicated by criteria established by the state board of education, and has participated in and successfully completed a training program for mentor teachers provided for by the board of education of the school district in accordance with guidelines prescribed by the state board of education. The primary function of a mentor teacher shall be to provide probationary teachers with professional support and assistance. A mentor teacher may provide assistance and guidance to not more than two probationary teachers.

~~(e)~~(e) "Probationary teacher" means a certificated teacher to whom the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply.

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

Sec. 22. K.S.A. 2011 Supp. 72-5413 is hereby amended to read as follows: 72-5413. As used in this act ~~and in acts amendatory thereof or supplemental thereto:~~

(a) The term "persons" includes one or more individuals, organizations, associations, corporations, boards, committees, commissions, agencies, or their representatives.

(b) "Board of education" means the state board of education pursuant to its authority under K.S.A. 76-1001a and 76-1101a, and amendments thereto, the board of education of any school district, the board of control of any area vocational-technical school and the board of trustees of any community college.

(c) "Professional employee" means any person employed by a board of education in a position which requires a certificate issued by the state board of education or employed by a board of education in a professional, educational or instructional capacity, but shall not mean any such person who is an administrative employee and, commencing in the 2006-2007 school year, shall not mean any person who is a retirant from school employment of the Kansas public employees retirement system, regardless

of whether an agreement between a board of education and an exclusive representative of professional employees that covers terms and conditions of professional service provides to the contrary.

(d) "Administrative employee" means, in the case of a school district, any person who is employed by a board of education in an administrative capacity and who is fulfilling duties for which an administrator's certificate is required under K.S.A. 72-7513, and amendments thereto; and, in the case of an area vocational-technical school or community college, any person who is employed by the board of control or the board of trustees in an administrative capacity and who is acting in that capacity and who has authority, in the interest of the board of control or the board of trustees, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them or to adjust their grievances, or effectively to recommend a preponderance of such actions, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(e) "Professional employees' organizations" means any one or more organizations, agencies, committees, councils or groups of any kind in which professional employees participate, and which exist for the purpose, in whole or part, of engaging in professional negotiation with boards of education with respect to the terms and conditions of professional service.

(f) "Representative" means any professional employees' organization or any person it authorizes or designates to act in its behalf or any person a board of education authorizes or designates to act in its behalf.

(g) "Professional negotiation" means meeting, conferring, consulting and discussing in a good faith effort by both parties to reach agreement with respect to the terms and conditions of professional service.

(h) "Mediation" means the effort through interpretation and advice by an impartial third party to assist in reconciling a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation between a board of education or its representatives and representatives of the recognized professional employees' organization.

(i) "Fact-finding" means the investigation by an individual or board of a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation, and the submission of a report by such individual or board to the parties to such dispute which includes a determination of the issues involved, findings of fact regarding such issues, and the recommendation of the fact-finding individual or board for resolution of the dispute.

(j) "Strike" means an action taken for the purpose of coercing a change in the terms and conditions of professional service or the rights, privileges or obligations thereof, through any failure by concerted action with others to report for duty including, but not limited to, any work stoppage, slowdown, or refusal to work.

(k) "Lockout" means action taken by a board of education to provoke interruptions of or prevent the continuity of work normally and usually performed by the professional employees for the purpose of coercing professional employees into relinquishing rights guaranteed by this act and the act of which this section is amendatory.

(l) (1) "Terms and conditions of professional service" means: (A) (i) Salaries and wages, including pay for duties under supplemental contracts; hours and amounts of

work; vacation allowance, holiday, sick, extended, sabbatical, and other leave, and number of holidays; retirement; insurance benefits; wearing apparel; pay for overtime; jury duty; grievance procedure; including binding arbitration of grievances; disciplinary procedure; resignations; termination and nonrenewal of contracts, in accordance with state law; reemployment of professional employees; terms and form of the individual professional employee contract; probationary period; professional employee appraisal procedures in accordance with state law and subject to the limitations in subsection (I) (1)(A)(ii); each of the foregoing being a term and condition of professional service, regardless of its impact on the employee or on the operation of the educational system; (ii) on and after the adoption by the state board of education, by rules and regulations, of the Kansas education evaluation protocol or statewide evaluation system substantially similar to the Kansas education evaluation protocol, for a board of education of any school district, the term "terms and conditions of professional service" does not include professional employee appraisal procedures; (B) matters which relate to privileges to be granted the recognized professional employees' organization including, but not limited to, voluntary payroll deductions; use of school or college facilities for meetings; dissemination of information regarding the professional negotiation process and related matters to members of the bargaining unit on school or college premises through direct contact with members of the bargaining unit, the use of bulletin boards on or about the facility, and the use of the school or college mail system to the extent permitted by law; reasonable leaves of absence for members of the bargaining unit for organizational purposes such as engaging in professional negotiation and partaking of instructional programs properly related to the representation of the bargaining unit; any of the foregoing privileges which are granted the recognized professional employees' organization through the professional negotiation process shall not be granted to any other professional employees' organization; and (C) such other matters as the parties mutually agree upon as properly related to professional service including, but not limited to, employment incentive or retention bonuses authorized under K.S.A. 72-8246, and amendments thereto.

(2) Nothing in this act, and amendments thereto, shall authorize the diminution of any right, duty or obligation of either the professional employee or the board of education which have been fixed by statute or by the constitution of this state. Except as otherwise expressly provided in this subsection (1), the fact that any matter may be the subject of a statute or the constitution of this state does not preclude negotiation thereon so long as the negotiation proposal would not prevent the fulfillment of the statutory or constitutional objective.

(3) Matters which relate to the duration of the school term, and specifically to consideration and determination by a board of education of the question of the development and adoption of a policy to provide for a school term consisting of school hours, are not included within the meaning of terms and conditions of professional service and are not subject to professional negotiation.

(m) "Secretary" means the secretary of labor or a designee thereof.

(n) "Statutory declaration of impasse date" means June 1 in the current school year.

(o) "Supplemental contracts" means contracts for employment duties other than those services covered in the principal or primary contract of employment of the professional employee and shall include, but not be limited to, such services as coaching, supervising, directing and assisting extracurricular activities, chaperoning,

ticket-taking, lunchroom supervision, and other similar and related activities.

Sec. 23. K.S.A. 2011 Supp. 72-9002 is hereby amended to read as follows: 72-9002. As used in this act:

- (a) "Accredited" means accredited by the state board of education.
- (b) "Board" means the board of education of a school district, the governing authority of any nonpublic school offering any of grades kindergarten through 12 in accredited schools and the board of control of an area vocational-technical school.
- ~~(b) "State board" means, in the case of school districts and nonpublic schools, the state board of education; and in the case of area vocational-technical schools, the state board of regents.~~
- (c) "Employees" means all licensed employees of school districts and of nonpublic schools ~~and all instructional and administrative employees of area vocational-technical schools.~~
- (d) "School year" means the period from July 1 to June 30.
- (e) "Accredited" means accredited by the state board of education. "State board" means, in the case of school districts and nonpublic schools, the state board of education, and in the case of area vocational-technical schools, the state board of regents.
- (f) "Superintendent" means the superintendent of schools, or the superintendent's designee, for the school district employing the employee.
- (g) "Teacher" means any instructor who holds a teacher's certificate issued by the state board.

Sec. 24. K.S.A. 2011 Supp. 72-9003 is hereby amended to read as follows: 72-9003. Each board shall adopt a written policy of personnel evaluation procedure in accordance with K.S.A. 72-9002 *et seq.*, and amendments thereto. For school districts, such policy shall include, but is not limited to, the Kansas educator evaluation protocol adopted by the state board of education. Every policy so adopted shall:

- (a) Be prescribed in writing at the time of original adoption and at all times thereafter when any amendments are adopted;
- (b) Include evaluation procedures applicable to all employees;
- (c) Provide that all evaluations are to be made in writing and that evaluation documents and responses thereto are to be maintained in a personnel file for each employee for a period of not less than three years from the date each evaluation is made;
- (d) (1) Except as provided herein and in subsection (d)(2), provide that every employee in the first two consecutive school years of employment shall be evaluated at least one time per semester by not later than the 60th school day of the semester. Any employee who is not employed for the entire semester shall not be required to be evaluated. During the third and fourth years of employment, every employee shall be evaluated at least one time each school year by not later than February 15. After the fourth year of employment, every employee shall be evaluated at least once in every three years not later than February 15 of the school year in which the employee is evaluated;
- (2) if a teacher receives a rating designation of progressing or ineffective pursuant to K.S.A. 72-9001 et seq., and amendments thereto, in such teacher's most recent evaluation, such teacher shall be evaluated at least one time per semester by not later than the 60th school day of the semester;

(e) for school districts, provide, at a minimum, the guidelines described in the Kansas educator evaluation protocol adopted by the state board of education; and
(f) be approved by the state board.

Sec. 25. K.S.A. 72-9004 is hereby amended to read as follows: 72-9004. Evaluation policies adopted under K.S.A. 72-9003, and amendments thereto, shall meet the following guidelines or criteria:

(a) Consideration shall be given to the following employee attributes: Efficiency, personal qualities, professional deportment, ability, results and performance, including improvement in the academic performance of pupils or students insofar as the evaluated employee has authority to cause such academic improvement, in the case of teachers, the capacity to maintain control of pupils or students, and such other matters as may be deemed material.

(b) Community attitudes toward, support for and expectations with regard to educational programs shall be reflected.

(c) The original policy and amendments thereto shall be developed by the board in cooperation with the persons responsible for making evaluations and the persons who are to be evaluated, and, to the extent practicable, consideration shall be given to comment and suggestions from other community interests.

(d) Evaluations of the chief administrator employed by a board shall be made by the board. The board shall place primary responsibility upon members of the administrative staff in making evaluations of other employees.

(e) Persons to be evaluated shall participate in their evaluations, and shall be afforded the opportunity for self-evaluation.

(f) The contract of any person subject to evaluation shall not be nonrenewed on the basis of incompetence unless an evaluation of such person has been made prior to notice of nonrenewal of the contract and unless the evaluation is in substantial compliance with the board's policy of personnel evaluation procedure as filed with the state board in accordance with the provisions of K.S.A. 72-9003, and amendments thereto.

(g) Evaluations shall comply with the provisions of K.S.A. 72-9001 et seq., and amendments thereto.

Sec. 26. K.S.A. 72-9005 is hereby amended to read as follows: 72-9005. (a) Whenever any evaluation is made of an employee, the written document thereof shall be presented to the employee, and the employee shall acknowledge such presentation by ~~his or her signature thereon~~ signing such written document. At any time not later than two (2) weeks after such presentation, the employee may respond thereto in writing.

(b) If an employee receives a rating designation of progressing or ineffective pursuant to section 18, and amendments thereto, such employee shall be entitled to an in-person conference with the superintendent to discuss such employee's evaluation.

(c) Except by order of a court of competent jurisdiction, evaluation documents and responses thereto shall be available only to the evaluated employee, the board, the appropriate administrative staff members designated by the board, the school board attorney upon request of the board, the state board of education as provided in K.S.A. 72-7515, and amendments thereto, the board and the administrative staff of any school to which such employee applies for employment, and other persons specified by the employee in writing to his or her board.

Sec. 27. K.S.A. 2011 Supp. 72-9608 is hereby amended to read as follows: 72-

9608. (a) In each school year, each school district which is maintaining an approved professional development program shall be eligible to receive from state funds, within the limits of appropriations for professional development, an amount to be determined by the state board on the basis of priorities established ~~through a needs-assessment survey conducted by the state board~~ pursuant to section 20, and amendments thereto. In no event shall the amount allocated and distributed to any school district under this act exceed: (1) An amount which is equal to .50 of 1% of the amount of the general fund budget of the school district, or an amount equal to 50% of the actual expenses incurred by the school district in maintaining an approved professional development program, whichever is the lesser amount; or (2) an amount which is equal to 50% of the actual expenses incurred by the school district for the provision of innovative and experimental procedures, activities and services, if any of the same are provided and approved by the state board, in a professional development program maintained by the school district and approved by the state board.

(b) If the amount of appropriations for professional development programs is insufficient to pay in full the amount each school district is determined to be eligible to receive for the school year, the state board shall prorate the amount appropriated among all school districts which are eligible to receive state aid under the provisions of this act in proportion to the amount each school district is determined to be eligible to receive.

(c) The state board shall prescribe all forms necessary for reporting under this act.

(d) Every board shall make such periodic and special reports of statistical and financial information to the state board as it may request.

Sec. 28. K.S.A. 2011 Supp. 72-978 is hereby amended to read as follows: 72-978.

(a) Each year, the state board of education shall determine the amount of state aid for the provision of special education and related services each school district shall receive for the ensuing school year. The amount of such state aid shall be computed by the state board as provided in this section. The state board shall:

(1) Determine the total amount of general fund and local ~~option~~ operating budgets of all school districts;

(2) subtract from the amount determined in paragraph (1) the total amount attributable to assignment of transportation weighting, program weighting, special education weighting and at-risk pupil weighting to enrollment of all school districts;

(3) divide the remainder obtained in paragraph (2) by the total number of full-time equivalent pupils enrolled in all school districts on September 20;

(4) determine the total full-time equivalent enrollment of exceptional children receiving special education and related services provided by all school districts;

(5) multiply the amount of the quotient obtained in paragraph (3) by the full-time equivalent enrollment determined in paragraph (4);

(6) determine the amount of federal funds received by all school districts for the provision of special education and related services;

(7) determine the amount of revenue received by all school districts rendered under contracts with the state institutions for the provisions of special education and related services by the state institution;

(8) add the amounts determined under paragraphs (6) and (7) to the amount of the product obtained under paragraph (5);

(9) determine the total amount of expenditures of all school districts for the provision of special education and related services;

(10) subtract the amount of the sum obtained under paragraph (8) from the amount determined under paragraph (9); and

(11) multiply the remainder obtained under paragraph (10) by 92%.

The computed amount is the amount of state aid for the provision of special education and related services aid a school district is entitled to receive for the ensuing school year.

(b) Each school district shall be entitled to receive:

(1) Reimbursement for actual travel allowances paid to special teachers at not to exceed the rate specified under K.S.A. 75-3203, and amendments thereto, for each mile actually traveled during the school year in connection with duties in providing special education or related services for exceptional children; such reimbursement shall be computed by the state board by ascertaining the actual travel allowances paid to special teachers by the school district for the school year and shall be in an amount equal to 80% of such actual travel allowances;

(2) reimbursement in an amount equal to 80% of the actual travel expenses incurred for providing transportation for exceptional children to special education or related services; such reimbursement shall not be paid if such child has been counted in determining the transportation weighting of the district under the provisions of the school district finance and quality performance act;

(3) reimbursement in an amount equal to 80% of the actual expenses incurred for the maintenance of an exceptional child at some place other than the residence of such child for the purpose of providing special education or related services; such reimbursement shall not exceed \$600 per exceptional child per school year; and

(4) subject to the provisions of subsection (f) and except for those school districts entitled to receive reimbursement under subsection (c) or (d), after subtracting the amounts of reimbursement under paragraphs (1), (2) and (3) of this subsection (a) from the total amount appropriated for special education and related services under this act, an amount which bears the same proportion to the remaining amount appropriated as the number of full-time equivalent special teachers who are qualified to provide special education or related services to exceptional children and are employed by the school district for approved special education or related services bears to the total number of such qualified full-time equivalent special teachers employed by all school districts for approved special education or related services.

Each special teacher who is qualified to assist in the provision of special education or related services to exceptional children shall be counted as $\frac{2}{5}$ full-time equivalent special teacher who is qualified to provide special education or related services to exceptional children.

(c) Each school district which has paid amounts for the provision of special education and related services under an interlocal agreement shall be entitled to receive reimbursement under subsection (b)(4). The amount of such reimbursement for the district shall be the amount which bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services under the interlocal agreement, as the amount paid by such district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all school districts in the current school year who have entered into such interlocal agreement for provision of such special education and related services.

(d) Each contracting school district which has paid amounts for the provision of special education and related services as a member of a cooperative shall be entitled to receive reimbursement under subsection (b)(4). The amount of such reimbursement for the district shall be the amount which bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services by the cooperative, as the amount paid by such district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all contracting school districts in the current school year by such cooperative for provision of such special education and related services.

(e) No time spent by a special teacher in connection with duties performed under a contract entered into by the Kansas juvenile correctional complex, the Atchison juvenile correctional facility, the Larned juvenile correctional facility, or the Topeka juvenile correctional facility and a school district for the provision of special education services by such state institution shall be counted in making computations under this section.

(f) (1) In school year 2012-2013 and in each school year thereafter, the state board of education shall determine the minimum and maximum amount of state aid that a school district may receive under paragraph (4) of subsection (b) for the current school year as follows:

(A) Determine the total amount of moneys appropriated as state aid for the provision of special education and related services to all school districts for the current school year;

(B) subtract the amount of moneys paid to all school districts under paragraphs (1), (2) and (3) of subsection (b) of this section, K.S.A. 72-983 and K.S.A. 2011 Supp. 72-998, and amendments thereto, for the current school year;

(C) divide the remainder obtained under (B) by the total full-time equivalent enrollment of all school districts in the current school year;

(2) (A) multiply the quotient obtained under (1) (C) by the full-time equivalent enrollment of the school district in the current school year;

(B) multiply the product obtained under (2) (A) by .75. The product is the minimum amount of state aid the district may receive under paragraph (4) of subsection (b) for the current school year;

(C) multiply the quotient obtained under (2) (A) by 1.50. The product is the maximum amount of state aid the district may receive under paragraph (4) of subsection (b) for the current school year.

(3) If the amount determined under paragraph (4) of subsection (b) is less than the product obtained under (2)(B), the district shall receive state aid in an amount equal to the product obtained under (2)(B), plus any amount determined under paragraph (5) of this subsection.

(4) If the amount determined under paragraph (4) of subsection (b), plus any amount determined under paragraph (5) of this subsection, is greater than the product obtained under (2) (C), the district shall receive state aid in an amount equal to the product obtained under (2)(C). The balance of state aid remaining after determining the amount of state aid payable to districts under this paragraph shall be reallocated to districts as provided by paragraph (5) of this subsection.

(5) The balance of state aid remaining after determining the amount of state aid payable to districts under paragraph (4) of this subsection shall be reallocated to districts which have not received state aid in an amount equal to the product obtained

under (2)(B). Such state aid shall be reallocated to such districts in the same manner as the original allocation. If the balance is insufficient to pay each such district the minimum amount specified in this subsection, the state board shall prorate the balance among such districts.

(6) The provisions of this subsection (f) shall expire on June 30, 2014.

Sec. 29. K.S.A. 2011 Supp. 72-6409 is hereby amended to read as follows: 72-6409. (a) "General fund" means the fund of a district from which operating expenses are paid and in which is deposited the proceeds from the tax levied under K.S.A. 72-6431, and amendments thereto, all amounts of general state aid under this act, payments under K.S.A. 72-7105a, and amendments thereto, amounts transferred from the supplemental general fund to the general fund of a district in accordance with subsection (j)(5) of K.S.A. 72-6433, 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.

(b) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 72-6430, and amendments thereto.

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

(d) "Budget per pupil" means the general fund budget of a district divided by the enrollment of the district.

(e) "Program weighted fund" means and includes the following funds of a district: Vocational education fund, preschool-aged at-risk education fund and bilingual education fund.

(f) "Categorical fund" means and includes the following funds of a district: Special education fund, food service fund, driver training fund, adult education fund, adult supplementary education fund, area vocational school fund, professional development fund, parent education program fund, summer program fund, extraordinary school program fund, and educational excellence grant program fund.

Sec. 30. K.S.A. 2011 Supp. 72-6410 is hereby amended to read as follows: 72-6410. (a) "State financial aid" means an amount equal to the product obtained by multiplying base state aid per pupil by the adjusted enrollment of a district.

(b) (1) "Base state aid per pupil" means an amount of state financial aid per pupil. Subject to the other provisions of this subsection, the amount of base state aid per pupil is ~~\$4,433 in school year 2008-2009 and \$4,492 in school year 2009-2010~~ \$4,200 in school year 2012-2013 and each school year thereafter.

(2) The amount of base state aid per pupil is subject to reduction commensurate with any reduction under K.S.A. 75-6704, and amendments thereto, in the amount of the appropriation from the state general fund for general state aid. If the amount of appropriations for general state aid is insufficient to pay in full the amount each district is entitled to receive for any school year, the amount of base state aid per pupil for such school year is subject to reduction commensurate with the amount of the insufficiency.

(c) "Local effort" means the sum of an amount equal to the proceeds from the tax levied under authority of K.S.A. 72-6431, and amendments thereto, and an amount transferred from the supplemental general fund to the general fund in accordance with subsection (j)(5) of K.S.A. 72-6433, and amendments thereto, and an amount equal to

any unexpended and unencumbered balance remaining in the general fund of the district, except amounts received by the district and authorized to be expended for the purposes specified in K.S.A. 72-6430, and amendments thereto, and an amount equal to any unexpended and unencumbered balances remaining in the program weighted funds of the district, except any amount in the vocational education fund of the district if the district is operating an area vocational school, and 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 the repeal of such statutory sections, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district under the provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district pursuant to contracts made and entered into under authority of K.S.A. 72-6757, and amendments thereto, and an amount equal to the amount credited to the general fund in the current school year from amounts distributed in such year to the district under the provisions of articles 17 and 34 of chapter 12 of Kansas Statutes Annotated and under the provisions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated, and an amount equal to the amount of payments received by the district under the provisions of K.S.A. 72-979, and amendments thereto, and an amount equal to the amount of a grant, if any, received by the district under the provisions of K.S.A. 72-983, and amendments thereto, and an amount equal to 70% of the federal impact aid of the district.

(d) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a 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 defined herein as an amount equal to the federally qualified percentage of the amount of moneys provided for the district under title I of public law 874 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.

Sec. 31. K.S.A. 2011 Supp. 72-6415b is hereby amended to read as follows: 72-6415b. School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local ~~option-operating~~ budget in an amount equal to at least 25% of the amount of the state financial aid determined for the district in the current school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

Sec. 32. K.S.A. 2011 Supp. 72-6433 is hereby amended to read as follows: 72-6433. (a) As used in this section:

(1) "State prescribed percentage" means 31% of state financial aid of the district in the current school year.

(2) "Authorized to adopt a local ~~option-operating~~ budget" means that a district has adopted a resolution under this section, has published the same, and either the resolution was not protested or it was protested and an election was held by which the adoption of a local ~~option-operating~~ budget was approved.

(b) (1) In each school year, the board of any district may shall adopt a local ~~option~~

operating budget which does not exceed the state prescribed percentage, which shall be at least 10% but not more than 30% of the state financial aid of the district in the current school year.

(2) Subject to subsection (i), in each school year, the board of any district may adopt a local operating budget in excess of 30% of the state financial aid of the district in the current school year. Such excess percentage shall be adopted by separate resolution.

~~(c) Subject to the limitation of subsection (b)(1), in each school year, the board of any district may adopt, by resolution, a local option operating budget in an amount shall not to exceed:~~

(1) (A) The amount which the board was authorized to adopt in accordance with the provisions of this section in effect prior to its amendment by this act; plus

(B) the amount which the board was authorized to adopt pursuant to any resolution currently in effect; plus

(C) the amount which the board was authorized to adopt pursuant to K.S.A. 72-6444, and amendments thereto, if applicable to the district; or

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

~~Except as provided by subsection (c), the adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.~~

(d) If the board of a district desires to increase its local option operating budget authority above the amount authorized under subsection (c) or if the board was not authorized to adopt a local option budget in 2006-2007, the board may adopt, by resolution, such budget in an amount not to exceed the state prescribed percentage. The adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. The resolution shall be published at least once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

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

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option operating budget in each school year in an amount not to exceed ____% of the amount of state financial aid. The local option operating budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether adoption of the local option operating budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of unified School District

No. _____, _____ County, Kansas, on the _____ day of _____,
_____.

Clerk of the board of education.

All of the blanks in the resolution shall be filled as is appropriate. If a sufficient petition is not filed, the board may adopt a local ~~option~~ operating budget. If a sufficient petition is filed, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local ~~option~~ operating budget shall be authorized. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto. If the board fails to notify the county election officer within 30 days after a sufficient petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(e) Any resolution ~~authorizing the adoption of a local option budget in excess of 30% of the state financial aid of the district in the current school year adopted under subsection (b)(2)~~ shall not become effective unless such resolution specifying the excess percentage has been submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon. The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto.

(f) Unless specifically stated otherwise in the resolution, the authority to adopt a local ~~option~~ operating budget shall be continuous and permanent. ~~The board of any district which is authorized to adopt a local option budget may choose not to adopt such a budget or may adopt a budget in an amount less than the amount authorized. If the board of any district whose authority to adopt a local option budget is not continuous and permanent refrains from adopting a local option budget, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget.~~

(g) The board of any district may initiate procedures to renew or increase the authority to adopt a local ~~option~~ operating budget at any time during a school year after the tax levied pursuant to K.S.A. 72-6435, and amendments thereto, is certified to the county clerk under any existing authorization.

(h) The board of any district that is authorized to adopt a local ~~option~~ operating budget prior to the effective date of this act under a resolution which authorized the adoption of such budget in accordance with the provisions of this section in effect prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

(i) Any resolution adopted pursuant to this section may revoke or repeal any resolution previously adopted by the board. If the resolution does not revoke or repeal previously adopted resolutions, all resolutions which are in effect shall expire on the same date. The maximum amount of the local ~~option~~ operating budget of a school district under all resolutions in effect shall not exceed the state prescribed percentage in any school year.

(j) (1) There is hereby established in every district ~~that adopts a local option budget~~

a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Subject to the limitation imposed under ~~paragraph~~ ~~paragraphs~~ (3) ~~and~~ (5) and subsection (e) of K.S.A. 72-6434, and amendments thereto, amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to any program weighted fund or categorical fund of the district. Amounts in the supplemental general fund attributable to any percentage over 25% of state financial aid determined for the current school year may be transferred to the capital improvements fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local ~~option~~ operating budget in excess of 25%.

(3) Amounts in the supplemental general fund may not be expended for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) (A) Except as provided in paragraph (B), any unexpended ~~budget~~ ~~moneys~~ remaining in the supplemental general fund of a district at the conclusion of any school year in which a local ~~option~~ operating budget is adopted shall be maintained in such fund.

(B) If the district received supplemental general state aid in the school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local ~~option~~ operating budget of the district for the school year and multiply the total amount of the unexpended budget remaining by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district or remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(5) (A) An amount equal to the product obtained by multiplying \$420 by the adjusted enrollment of the district shall be transferred to the general fund of the district. Such amount shall be expended in the following manner and order of priority:

(i) (a) An amount equal to 10% of the state financial aid of the district directly attributable to at-risk pupils under K.S.A. 72-6414, and amendments thereto, and K.S.A. 2011 Supp. 72-6455 and 72-6459, and amendments thereto, shall be expended for at-risk assistance or programs in the district; and

(b) an amount equal to 10% of the state financial aid of the district directly attributable to bilingual education under subsection (a)(1) of K.S.A. 72-6413, and amendments thereto, shall be expended for bilingual education programs in the district; and

(ii) the remainder of such moneys, if any, shall be expended for general operating expenses.

(B) For the purposes of determining the total amount of state moneys paid to school districts, all moneys transferred under this paragraph shall be deemed to be state moneys for educational and support services for school districts.

(k) Each year the state board of education shall determine the statewide average percentage of local ~~option~~ operating budgets legally adopted by school districts for the preceding school year.

(l) For the purposes of this section, the term "local operating budget" means "local

option budget" as that term was used prior to the amendment of this section by this act.

~~(h)~~(m) The provisions of this section shall be subject to the provisions of K.S.A. 2011 Supp. 72-6433d, and amendments thereto.

Sec. 33. K.S.A. 2011 Supp. 72-6433d is hereby amended to read as follows: 72-6433d. (a) (1) The provisions of this subsection shall apply in any school year in which the amount of base state aid per pupil is \$4,433 or less.

(2) The board of any school district may adopt a local ~~option-operating~~ option operating budget which does not exceed the local ~~option-operating~~ option operating budget calculated as if the base state aid per pupil was \$4,433 or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(b) (1) The provisions of this subsection shall apply in any school year in which the amount appropriated for state aid for special education and related services is less than the amount appropriated for state aid for special education and related services in school year 2008-2009.

(2) The board of education of any school district may adopt a local ~~option-operating~~ option operating budget which does not exceed the local ~~option-operating~~ option operating budget calculated as if the district received state aid for special education and related services equal to the amount of state aid for special education and related services received in school year 2008-2009, or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(c) The board of education of any school district may exercise the authority granted under subsection (a) or (b) or both subsections (a) and (b).

(d) To the extent that the provisions of K.S.A. 72-6433, and amendments thereto, conflict with this section, this section shall control.

(e) The provisions of this section shall expire on June 30, 2014.

Sec. 34. K.S.A. 2011 Supp. 72-6434 is hereby amended to read as follows: 72-6434. (a) In each school year, each district that has adopted a local ~~option-operating~~ option operating budget is eligible for entitlement to an amount of supplemental general state aid. Except as provided by K.S.A. 2011 Supp. 72-6434b, and amendments thereto, entitlement of a district to supplemental general state aid shall be determined by the state board as provided in this subsection. The state board shall:

(1) Determine the amount of the assessed valuation per pupil in the preceding school year of each district in the state;

(2) rank the districts from low to high on the basis of the amounts of assessed valuation per pupil determined under (1);

(3) identify the amount of the assessed valuation per pupil located at the 81.2 percentile of the amounts ranked under (2);

(4) divide the assessed valuation per pupil of the district in the preceding school year by the amount identified under (3);

(5) subtract the ratio obtained under (4) from 1.0. If the resulting ratio equals or exceeds 1.0, the eligibility of the district for entitlement to supplemental general state aid shall lapse. If the resulting ratio is less than 1.0, the district is entitled to receive supplemental general state aid in an amount which shall be determined by the state board by multiplying the amount of the local ~~option-operating~~ option operating budget of the district by such ratio. The product is the amount of supplemental general state aid the district is entitled to receive for the school year.

(b) If the amount of appropriations for supplemental general state aid is less than

the amount each district is entitled to receive for the school year, the state board shall prorate the amount appropriated among the districts in proportion to the amount each district is entitled to receive.

(c) The state board shall prescribe the dates upon which the distribution of payments of supplemental general state aid to school districts shall be due. Payments of supplemental general state aid shall be distributed to districts on the dates prescribed by the state board. The state board shall certify to the director of accounts and reports the amount due each district, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the district. Upon receipt of the warrant, the treasurer of the district shall credit the amount thereof to the supplemental general fund of the district to be used for the purposes of such fund.

(d) If any amount of supplemental general state aid that is due to be paid during the month of June of a school year pursuant to the other provisions of this section is not paid on or before June 30 of such school year, then such payment shall be paid on or after the ensuing July 1, as soon as moneys are available therefor. Any payment of supplemental general state aid that is due to be paid during the month of June of a school year and that is paid to school districts on or after the ensuing July 1 shall be recorded and accounted for by school districts as a receipt for the school year ending on the preceding June 30.

(e) (1) Except as provided by paragraph (2), moneys received as supplemental general state aid shall be used to meet the requirements under the school performance accreditation system adopted by the state board, to provide programs and services required by law and to improve student performance.

(2) Amounts of supplemental general state aid attributable to any percentage over 25% of state financial aid determined for the current school year may be transferred to the capital improvements fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local ~~option~~ operating budget in excess of 25%.

(f) For the purposes of determining the total amount of state moneys paid to school districts, all moneys appropriated as supplemental general state aid shall be deemed to be state moneys for educational and support services for school districts.

Sec. 35. K.S.A. 2011 Supp. 72-6435 is hereby amended to read as follows: 72-6435. (a) In each school year, the board of every district ~~that has adopted a local option budget may shall~~ levy an *ad valorem* tax on the taxable tangible property of the district for the purpose of: (1) Financing that portion of the district's local ~~option-operating~~ budget which is not financed from any other source provided by law; (2) paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district; and (3) funding transfers to the capital improvement fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local ~~option-operating~~ budget in excess of 25% of state financial aid determined for the current school year.

(b) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district, shall be deposited in the supplemental general fund of the district.

(c) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments to such sections.

Sec. 36. K.S.A. 2011 Supp. 72-6441 is hereby amended to read as follows: 72-6441. (a) (1) The board of any district to which the provisions of this subsection apply may levy an *ad valorem* tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state court of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of ancillary school facilities weighting to enrollment of the district. The state court of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose, including any amount attributable to assignment of school facilities weighting to enrollment of the district for each school year in which the district is eligible for such weighting. If the district is not eligible, or will be ineligible, for school facilities weighting in any one or more years during the two-year period for which the district is authorized to levy a tax under this subsection, the state court of tax appeals may authorize the district to make a levy, in such year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

(2) The state court of tax appeals shall certify to the state board of education the amount authorized to be produced by the levy of a tax under subsection (a).

(3) The state court of tax appeals may adopt rules and regulations necessary to effectuate the provisions of this subsection, including rules and regulations relating to the evidence required in support of a district's claim that the costs attributable to commencing operation of one or more new school facilities are in excess of the amount that is financed from any other source provided by law for such purpose.

(4) The provisions of this subsection apply to any district that: (A) Commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing; (B) is authorized to adopt and has adopted a local ~~option-operating~~ budget which is at least equal to that amount required to qualify for school facilities weighting under K.S.A. 2011 Supp. 72-6415b, and amendments thereto; and (C) is experiencing extraordinary enrollment growth as determined by the state board of education.

(b) The board of any district that has levied an *ad valorem* tax on the taxable tangible property of the district each year for a period of two years under authority of subsection (a) may continue to levy such tax under authority of this subsection each year for an additional period of time not to exceed three years in an amount not to exceed the amount computed by the state board of education as provided in this subsection if the board of the district determines that the costs attributable to commencing operation of one or more new school facilities are significantly greater than the costs attributable to the operation of other school facilities in the district. The tax authorized under this subsection may be levied at a rate which will produce an amount that is not greater than the amount computed by the state board of education as provided in this subsection. In computing such amount, the state board shall: (1)

Determine the amount produced by the tax levied by the district under authority of subsection (a) in the second year for which such tax was levied and add to such amount the amount of general state aid directly attributable to school facilities weighting that was received by the district in the same year; (2) compute 75% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the first year of the three-year period for which the district may levy a tax under authority of this subsection; (3) compute 50% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the second year of the three-year period for which the district may levy a tax under authority of this subsection; and (4) compute 25% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the third year of the three-year period for which the district may levy a tax under authority of this subsection.

In determining the amount produced by the tax levied by the district under authority of subsection (a), the state board shall include any moneys which have been apportioned to the ancillary facilities fund of the district from taxes levied under the provisions of K.S.A. 79-5101 *et seq.* and 79-5118 *et seq.*, and amendments thereto.

(c) The proceeds from the tax levied by a district under authority of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

Sec. 37. K.S.A. 72-6444 is hereby amended to read as follows: 72-6444. (a) In each school year, commencing with the 1997-98 school year, the state board shall compute a district prescribed percentage for the purpose of determining the amount of a local ~~option-operating~~ budget the board of a district to which the provisions of this section apply may adopt for the school year. The district prescribed percentage for each district to which the provisions of this section apply shall be computed by the state board as provided in this section. The state board shall:

(1) Determine the actual amount per pupil for the preceding school year of the general fund budget and the local ~~option-operating~~ budget, if any, of each district;

(2) compute the average amount per pupil for the preceding school year of general fund budgets and local ~~option-operating~~ budgets of districts with 75-125 enrollment in such school year;

(3) compute the average amount per pupil for the preceding school year of general fund budgets and local ~~option-operating~~ budgets of districts with 200-399 enrollment in such school year;

(4) compute the average amount per pupil for the preceding school year of general fund budgets and local ~~option-operating~~ budgets of districts with 1,800 or over enrollment in such school year;

(5) compute an average amount per pupil for the preceding school year of general fund budgets and local ~~option-operating~~ budgets of districts with 100-299.9 enrollment in such school year by preparing a schedule based upon an accepted mathematical formula and deriving an amount for each such district from a linear transition between the average amount per pupil computed under (2) and the average amount per pupil computed under (3);

(6) compute an average amount per pupil for the preceding school year of general fund budgets and local ~~option-operating~~ budgets of districts with 300-1,799.9

enrollment in such school year by preparing a schedule based upon an accepted mathematical formula and deriving an amount for each such district from a linear transition between the average amount per pupil computed under (3) and the average amount per pupil computed under (4);

(7) for districts with 0-99.9 enrollment, compare the amount determined for the district under (1) to the average amount computed under (2). If the amount determined under (1) is equal to or greater than the average amount computed under (2), the provisions of this section do not apply to the district. If the amount determined under (1) is less than the average amount computed under (2), subtract the amount determined under (1) from the amount computed under (2), multiply the remainder by enrollment of the district in the preceding school year, and divide the product by the amount of state financial aid determined for the district in the preceding school year. The quotient is the district prescribed percentage of the district;

(8) for districts with 100-299.9 enrollment, compare the amount determined for the district under (1) to the average amount computed under (5). If the amount determined under (1) is equal to or greater than the average amount computed under (5), the provisions of this section do not apply to the district. If the amount determined under (1) is less than the average amount computed under (5), subtract the amount determined under (1) from the amount computed under (5), multiply the remainder by enrollment of the district in the preceding school year, and divide the product by the amount of state financial aid determined for the district in the preceding school year. The quotient is the district prescribed percentage of the district;

(9) for districts with 300-1,799.9 enrollment, compare the amount determined for the district under (1) to the average amount computed under (6). If the amount determined under (1) is equal to or greater than the average amount computed under (6), the provisions of this section do not apply to the district. If the amount determined under (1) is less than the average amount computed under (6), subtract the amount determined under (1) from the amount computed under (6), multiply the remainder by enrollment of the district in the preceding school year, and divide the product by the amount of state financial aid determined for the district in the preceding school year. The quotient is the district prescribed percentage of the district;

(10) for districts with 1,800 or over enrollment, compare the amount determined for the district under (1) to the average amount computed under (4). If the amount determined under (1) is equal to or greater than the average amount computed under (4), the provisions of this section do not apply to the district. If the amount determined under (1) is less than the average amount computed under (4), subtract the amount determined under (1) from the amount computed under (4), multiply the remainder by enrollment of the district in the preceding school year, and divide the product by the amount of state financial aid determined for the district in the preceding school year. The quotient is the district prescribed percentage of the district.

(b) The provisions of this section apply to any district that budgeted an amount per pupil in the preceding school year, as determined under provision (1) of subsection (a), that was less than the average amount per pupil of general fund budgets and local ~~option~~ operating budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) is applicable to the district's enrollment group.

(c) For the purposes of this section, the term "local operating budget" means "local option budget" as that term was used prior to the amendment of this section by this act.

Sec. 38. K.S.A. 2011 Supp. 72-6449 is hereby amended to read as follows: 72-6449. (a) As used in this section, "school district" or "district" means a school district authorized to make a levy under this section.

(b) The board of education of any district may levy a tax on the taxable tangible property within the district for the purpose of financing the costs incurred by the state that are attributable directly to assignment of the cost of living weighting to the enrollment of the district. There is hereby established in every school district a fund which shall be called the cost of living fund, which fund shall consist of all moneys deposited therein or transferred thereto in accordance with law. All moneys derived from a tax imposed pursuant to this section shall be credited to the cost of living fund. The proceeds from the tax levied by a district credited to the cost of living fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(c) The state board of education shall determine whether a district may levy a tax under this section as follows:

(1) Determine the statewide average appraised value of single family residences for the calendar year preceding the current school year;

(2) multiply the amount determined under (1) by 1.25;

(3) determine the average appraised value of single family residences in each school district for the calendar year preceding the current school year; and

(4) (A) subtract the amount determined under (2) from the amount determined under (3). If the amount determined for the district under this paragraph is a positive number and the district is authorized to adopt and has adopted a local ~~option-operating~~ budget in an amount equal to at least 31% of the state financial aid for the school district, the district qualifies for assignment of cost of living weighting and may levy a tax on the taxable tangible property of the district for the purpose of financing the costs that are attributable directly to assignment of the cost of living weighting to enrollment of the district; or

(B) as an alternative to the authority provided in paragraph (4)(A), if a district was authorized to make a levy pursuant to this section in school year 2006-2007, such district shall remain authorized to levy such tax at a rate necessary to generate revenue in the same amount generated in school year 2006-2007 if: (i) The amount determined under paragraph (4)(A) is a positive number; and (ii) the district continues to adopt a local ~~option-operating~~ budget in an amount equal to the state prescribed percentage in effect in school year 2006-2007.

(d) No tax may be levied under this section unless the board of education adopts a resolution authorizing such a tax levy and publishes the resolution at least once in a newspaper having general circulation in the district. Except as provided by subsection (e), the resolution shall be published in substantial compliance with the following form:

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

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to levy an *ad valorem* tax in an amount not to exceed the amount necessary to finance the costs

attributable directly to the assignment of cost of living weighting to the enrollment of the district. The *ad valorem* tax authorized by this resolution may be levied unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after the publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether the levy of such a tax shall be authorized in accordance with the provisions of this resolution to the electors of the school district at the next general election of the school district, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of

Unified School District No. _____, _____ County, Kansas, on the ____ day of _____, (year)_____.

Clerk of the board of education.

All of the blanks in the resolution shall be filled. If no petition as specified above is filed in accordance with the provisions of the resolution, the resolution authorizing the *ad valorem* tax levy shall become effective. If a petition is filed as provided in the resolution, the board may notify the county election officer to submit the question of whether such tax levy shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and of no force and effect and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If a majority of the votes cast in an election conducted pursuant to this provision are in favor of the resolution, such resolution shall be effective on the date of such election. If a majority of the votes cast are not in favor of the resolution, the resolution shall be deemed of no effect and no like resolution shall be adopted by the board within the nine months following such election.

(e) In determining the amount produced by the tax levied by the district under the authority of this section, the state board shall include any moneys which have been apportioned to the cost of living fund of the district from taxes levied under the provisions of K.S.A. 79-5101 *et seq.* and 79-5118 *et seq.*, and amendments thereto.

Sec. 39. K.S.A. 2011 Supp. 72-6451 is hereby amended to read as follows: 72-6451. (a) As used in this section:

(1) "School district" or "district" means a school district which: (A) Has a declining enrollment; and (B) has adopted a local ~~option-operating~~ budget in an amount which equals at least 31% of the state financial aid for the school district at the time the district applies to the state court of tax appeals for authority to make a levy pursuant to this section.

(2) "Declining enrollment" means an enrollment which has declined in amount from that of the preceding school year.

(b) (1) (A) A school district may levy an *ad valorem* tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state court of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of declining enrollment weighting to enrollment of the district. The state court of tax appeals may authorize the district to make a levy which

will produce an amount that is not greater than the amount of revenues lost as a result of the declining enrollment of the district. Such amount shall not exceed 5% of the general fund budget of the district in the school year in which the district applies to the state court of tax appeals for authority to make a levy pursuant to this section.

(B) As an alternative to the authority provided in paragraph (1)(A), if a district was authorized to make a levy pursuant to this section in school year 2006-2007, such district shall remain authorized to make a levy at a rate necessary to generate revenue in the same amount that was generated in school year 2007-2008 if the district adopts a local ~~option-operating~~ budget in an amount equal to the state prescribed percentage in effect in school year 2006-2007.

(2) The state court of tax appeals shall certify to the state board the amount authorized to be produced by the levy of a tax under this section.

(3) The state board shall prescribe guidelines for the data that school districts shall include in cases before the state court of tax appeals pursuant to this section.

(c) A district may levy the tax authorized pursuant to this section for a period of time not to exceed two years unless authority to make such levy is renewed by the state court of tax appeals. The state court of tax appeals may renew the authority to make such levy for periods of time not to exceed two years.

(d) The state board shall provide to the state court of tax appeals such school data and information requested by the state court of tax appeals and any other information deemed necessary by the state board.

(e) There is hereby established in every district a fund which shall be called the declining enrollment fund. Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The proceeds from the tax levied by a district under authority of this section shall be credited to the declining enrollment fund of the district. The proceeds from the tax levied by a district credited to the declining enrollment fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(f) In determining the amount produced by the tax levied by the district under authority of this section, the state board shall include any moneys which have been apportioned to the declining enrollment fund of the district from taxes levied under the provisions of K.S.A. 79-5101 *et seq.* and 79-5118 *et seq.*, and amendments thereto.

Sec. 40. K.S.A. 2011 Supp. 72-6456 is hereby amended to read as follows: 72-6456. (a) For the purpose of determining the general fund budget of a school district, weightings shall not be assigned to a pupil enrolled in and attending KAMS.

(b) Moneys in the general fund which are attributable to a pupil enrolled in and attending KAMS shall not be included in the computation of the local ~~option-operating~~ budget of the school district.

(c) The provisions of this section shall be part of and supplemental to the school district finance and quality performance act.

New Sec. 41. (a) In any action challenging the adequacy of the state's provision for finance of the educational interests of the state, no less than 65% of all state moneys appropriated, distributed or otherwise provided by or through the state to school districts shall be deemed by the court to have been expended in the classroom or for instruction, as defined in subsection (d) of K.S.A. 2011 Supp. 72-64c01, and

amendments thereto. Such moneys shall be deemed by the court to have been first applied to pay the costs related to providing the areas of instruction required by K.S.A. 72-1101, 72-1103 and 72-1117, and amendments thereto, and for the course included in the precollege curriculum prescribed by the state board of regents pursuant to K.S.A. 76-717, and amendments thereto.

(b) Any party challenging the adequacy of the state's provision for finance of the educational interests of the state shall have the burden, at all times, to prove that state moneys appropriated, distributed or otherwise provided by the state to a school district or districts, which is the subject of such action, were not sufficient to fund the costs of the areas of instruction required by K.S.A. 72-1101, 72-1103 and 72-1117, and amendments thereto, and for courses included in the precollege curriculum prescribed by the state board of regents pursuant to K.S.A. 76-717, and amendments thereto.

(c) For purposes of determining the adequacy of the state's provision for finance of the educational interests of the state, educational programs that school districts are required to provide pursuant to federal law shall not be included.

(d) The provisions of this section shall apply to all litigation pending on the effective date of this act, and any lawsuit filed on or after the effective date of this act.

Sec. 42. K.S.A. 2011 Supp. 72-4470a is hereby amended to read as follows: 72-4470a. (a) All technical college boards shall establish and maintain a plan for a governing board, which shall be separate and independent of any board of education of any school district, to operate, control and manage the technical college. The plan shall include, but not be limited to, provisions relating to:

- (1) The composition of the independent governing board;
- (2) the territory of the technical college. If the territory of the technical college includes more than one county, the plan shall designate a home county;
- (3) the method of election or appointment and the terms of service of the members of the independent governing board;
- (4) the date upon which the independent governing board shall assume management and control of the technical college;
- (5) the manner, terms upon which and extent to which the facilities will be transferred to the independent governing board and the division of other assets and indebtedness and other liabilities; and
- (6) the manner and terms upon which faculty, employees and students will be transferred to the independent governing board. Subject to the provisions of K.S.A. 2011 Supp. 72-4478, and amendments thereto, such provisions shall specify terms of employment and address other personnel matters.

(b) On the date determined in the approved plan, the independent governing board established under subsection (a) of this section shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges. Any amendments to the plan shall be submitted to the state board of regents for approval.

(c) In addition to such other powers expressly granted by law and subject to the provisions of subsection (b), the governing board shall have the power to:

- (1) Determine the career technical and general education courses of instruction that will comprise the associate of applied science degree programs of the college;
- (2) establish the requirements for satisfactory completion of the associate of applied science degree programs of the college;

(3) confer the associate of applied science degree upon students who successfully complete an associate of applied science degree program of the college and to award a certificate or diploma to students who successfully complete a career technical education program of the college;

(4) appoint teaching staff and fix and determine teacher qualifications, duties and compensation. No teacher appointed to teach courses comprising the associate of applied science degree programs of the college shall be required to meet licensure requirements greater than those required in the state educational institutions;

(5) have custody of, and be responsible for, the property of the college and be responsible for the operation, management and control of the college;

(6) select a chairperson and such other officers as it deems desirable, from its membership;

(7) sue and be sued;

(8) appoint and fix the compensation and term of office of a president or chief administrative officer of the college;

(9) fix and determine, within state adopted standards, all other employees' qualifications, duties, compensation and all other items and conditions of employment;

(10) enter into contracts;

(11) accept any gifts, grants or donations;

(12) acquire and dispose of real or personal property;

(13) enter into lease agreements as lessor of any property owned or controlled by the college;

(14) adopt any rules and regulations, not inconsistent with any law or any rules and regulations of the state board of regents, which are necessary for the administration and operation of the college or for the conduct of business of the governing board;

(15) contract with one or more agencies, either public or private, whether located within or outside the territory of the college or whether located within or outside the state of Kansas, for the conduct by any such agency of academic or career technical education for students of the college and to provide for the payment to any such agency for the contracted educational services from any funds or moneys of the college, including funds or moneys received from student tuition and fees;

(16) appoint as its resident agent for the purpose of service of process, either the president of the technical college or the chairperson of the governing board, or both;

(17) take any other action, not inconsistent with any law or any rules and regulations of the state board of regents, which is necessary or incidental to the establishment, operation and maintenance of the college;

(18) issue bonds for capital improvement projects, enter into bond covenants and take such ancillary action as the governing board approves, relating thereto, except that such bonds shall not be secured by a pledge of any property tax revenues of the technical college;

(19) enter into agreements with counties relating to funding for capital improvement projects at technical colleges; ~~and~~

(20) fix different rates per hour of tuition, fees and charges for the different postsecondary programs administered by such board; and

term of any lease-purchase agreement entered into under authority of this subsection may be for not to exceed 10 years. Such lease-purchase agreement may provide for annual or other payment of rent or rental fees and may obligate the technical college to payment of maintenance or other expenses. Any lease-purchase agreement entered into under authority of this subsection shall be subject to change or termination at any time by the legislature. Any assignment of rights in any lease-purchase made under this subsection shall contain a citation of this section and a recitation that the lease-purchase agreement and assignment thereof are subject to change or termination by the legislature.

New Sec. 43. If any provision of this act, or the application thereof, is held invalid or unconstitutional, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. ";

And by renumbering sections accordingly;

Also on page 12, in line 12, by striking all after the first "K.S.A."; in line 13, by striking "6413" and inserting:

"72-1412, 72-4417, 72-4419, 72-6444, 72-9004, 72-9005 and K.S.A. 2011 Supp. 72-978, 72-4470a, 72-5413, 72-6409, 72-6410, 72-6413, 72-6415b, 72-6433, 72-6433d, 72-6434, 72-6435, 72-6441, 72-6449, 72-6451, 72-6455, 72-6456, 72-6459, 72-8814, 72-9002, 72-9003, 72-9608 and 75-2319"

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3 and inserting:

"education; amending K.S.A. 72-1412, 72-4417, 72-4419, 72-6444, 72-9004, 72-9005 and K.S.A. 2011 Supp. 71-201, 72-978, 72-4470a, 72-5413, 72-6409, 72-6410, 72-6413, 72-6415b, 72-6433, 72-6433d, 72-6434, 72-6435, 72-6441, 72-6449, 72-6451, 72-6455, 72-6456, 72-8814, 72-9002, 72-9003, 72-9608 and 75-2319 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 72-6459.";

And the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HR 6026**, be amended on page 2, in line 9, following "undertake" by inserting ", within the limits of existing appropriations,;" in line 28, by striking "and" and inserting:

"5. Whether there might be unintended consequences of promoting the concept of Tobacco Harm Reduction as one component of a comprehensive tobacco control strategy which might include, among other unintended consequences, the increased use of smokeless tobacco products by underage persons; and"; and the resolution be adopted as amended.

Committee on **Taxation** recommends **SB 59** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 59," as follows:

"HOUSE Substitute for SENATE BILL NO. 59

By Committee on Taxation

"AN ACT concerning property taxation; relating to exemptions; commercial and industrial machinery and equipment; classification; amending K.S.A. 2011 Supp. 79-223 and repealing the existing section."; and the substitute bill be passed.

(**H Sub for SB 59** was thereupon introduced and read by title.)

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 163, by Representative Pottorff, congratulating Saint Stephen's Episcopal Church in recognition of their 50th anniversary of the founding of the church;

Request No. 164, by Representative Pottorff, congratulating Lieb Langston on his 100th birthday;

Request No. 165, by Representative Pottorff, congratulating Jo Zakas in recognition of the 40th Anniversary of Clifton Square;

Request No. 166, by Representative Mast, congratulating KVOE-AM in recognition for the 2012 National Association of Broadcasters Crystal Radio Award;

Request No. 167, by Representative Mast, congratulating Anthony Zieammermann in recognition for Statewide Winner of the League of Kansas Municipalities If I Were Mayor Essay Contest;

Request No. 168, by Representative O'Brien, congratulating Verness and Margaret Heinen on their 50th Wedding Anniversary May 5, 2012;

Request No. 169, by Representative O'Brien, congratulating the Tonganoxie Chieftain Wrestling Team on winning the 2012 Kaw Valley League Championship with a score of 193;

Request No. 170, by Representative Vickrey, congratulating Ryan Christopher Urban on achieving the rank of Eagle Scout;

Request No. 171, by Representative Henderson, congratulating Justice Deon Turner, first Baptist Church of Quindaro, on graduating from Rockhurst High School;

Request No. 172, by Representative C. Holmes, in memory of Cynthia Sallaska for her public service as Seward County Register of Deeds and her brave battle with cancer;

Request No. 173, by Representative C. Holmes, in memory of Robert D. "Bob" Carlile for his community leadership and success in business serving as "Liberal Bee Jays" general manager and for being inducted into the Baseball Hall of Fame;

Request No. 174, by Representative C. Holmes, congratulating Pam Perkins for being selected as the first Kansan to receive the Association of Community College Trustees National Award for Professional Board Staff;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Siegfried, the committee report was adopted.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **S Sub for HB 2730** and has appointed Senators Taddiken, Teichman and Francisco as 2nd conferees on the part of the Senate.

REPORT ON ENGROSSED BILLS

HB 2793 reported correctly engrossed May 4, 2012.

HB 2471 reported correctly re-engrossed May 4, 2012.

2454

MAY 4, 2012

REPORT ON ENROLLED BILLS

S Sub for HB 2454; HB 2631, HB 2655, HB 2777 reported correctly enrolled, properly signed and presented to the Governor on May 4, 2012.

On motion of Rep. Siegfried, the House adjourned until 10:00 a.m., Monday, May 7, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

