

Journal of the House

SIXTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, May 18, 2015, 11:00 a.m.

The House met pursuant to adjournment with Speaker Merrick in the chair.

The roll was called with 116 members present.

Reps. Brunk, Carlin, Estes, Goico, Hawkins, Kahrs, Kelley, Pauls and Schwab were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Gracious and loving God,
Thank You for this new day and new week.
Here we are again,
looking to You for guidance and direction.
Help our leaders to take hope in Your Word
found in Proverbs:
“To humans belong the plans of the heart,
but from the Lord comes the proper answer of the tongue.
All a person’s ways seem pure to them,
but motives are weighed by the Lord.
Commit to the Lord whatever you do,
and he will establish your plans.”
I ask that our leaders look to You
for Your plan for this budget/tax issue.
In Your Son’s Name I pray,
Amen.

The Pledge of Allegiance was led by Rep. Anthimides.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Taxation: **SB 48**.

MESSAGES FROM THE SENATE

The Senate adopts the Conference Committee report to agree to disagree on **SB 113**, and has appointed Senators King, Smith and Pettey as second conferees on the part of the Senate.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2433, AN ACT concerning taxation; relating to income tax, itemized deductions; amending K.S.A. 2014 Supp. 79-32,120 and repealing the existing section, by Committee on Taxation.

On motion of Rep. Vickrey, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Mast in the chair.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. **HR 6026**—
By Representatives Boldra and Goico

HR 6026-- A RESOLUTION urging the United States Congress to enact and the President of the United States to sign 2015 Senate Bill S. 901, the Toxic Exposure Research Act of 2015, into law.

WHEREAS, Over the years, millions have served our great nation in the armed forces of the United States. During their service, many have been exposed to toxins with unknown consequences. Most of these veterans did not know they were exposed to harmful materials and as a result, suffered from the harmful effects of such toxins; and

WHEREAS, Many children and grandchildren of these veterans were born with both structural and nonstructural defects. Some have been accepted for treatment by the United States Department of Veterans Affairs as a result of the toxic exposure associated with their parent's service; and

WHEREAS, Birth anomalies in the children of veterans are not tracked as normal birth defects, so the majority of such birth anomalies are unreported, unexplained and not researched; and

WHEREAS, Most states that have birth defect registries do not report to a national birth defect registry. Miscarriages and stillbirths are seldom researched for cause and are not tracked on a national registry. Even infant mortality and birth defects of the children of dependents are not tracked or put into a federal registry; and

WHEREAS, The United States Department of Veterans Affairs and the United States Department of Defense have been tracking toxic exposures and possible exposures without follow-up research on the veterans and their offspring. 2015 Senate Bill S. 901 would require the United States Secretary of Defense and the United States Secretary of Veterans Affairs to share data regarding toxic exposures; and

WHEREAS, Parents of children with birth defects carry a heavy emotional and financial burden. Veterans exposed to Agent Orange and its toxic contaminants have reported a variety of serious health problems and symptoms, which include cancers and

birth defects in children. The number of Vietnam veterans who have children and grandchildren with birth defects related to exposure to Agent Orange are significant. The research of such birth defects is important for purposes of proper diagnosis, treatment and care of veterans and their families; and

WHEREAS, 2015 Senate Bill S. 901 would create a national center within the United States Department of Veterans Affairs for the research and the diagnosis of health conditions of the descendants of veterans exposed to toxic substances during their service in the armed forces of the United States. This national center would be monitored by a board of advisors charged with oversight and assessment of the national center. 2015 Senate Bill S. 901 would also create a database of birth defects and anomalies, both structural and nonstructural: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the United States Congress to enact and the President of the United States to sign 2015 Senate Bill S. 901, the Toxic Exposure Research Act of 2015, into law; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the President of the United States and each member of the Kansas Congressional Delegation.

HOUSE RESOLUTION No. **HR 6027**—
By Representative O'Brien

HR 6027—A RESOLUTION commending family caregivers in Kansas for their service and commitment to improving lives.

A RESOLUTION commending family caregivers in Kansas for their service and commitment to improving lives.

WHEREAS, Family caregivers are unpaid relatives, partners, friends and neighbors who selflessly provide assistance to older adults and adults with chronic or disabling conditions. Family caregivers assist with such tasks as transportation, shopping, medication management and other daily activities; and

WHEREAS, Family caregivers make sacrifices in their personal and professional lives to assist and improve the lives of others; and

WHEREAS, In one year, over 600,000 family caregivers in Kansas provided four million hours of care estimated at \$4.1 billion in value; and

WHEREAS, Older adults who need assistance with activities of daily living often want to remain in their homes and communities, and family caregivers enable them to do so; and

WHEREAS, Providing services and support to older adults in their homes and communities is generally much less expensive than nursing home care, and older adults who receive services from family caregivers are less likely to need public assistance; and

WHEREAS, One in every eight Medicare beneficiaries who leaves the hospital is readmitted within 30 days, often due to avoidable complications. Family caregivers improve the transition from the hospital to home and community-based care and reduce the rate of hospital readmissions; Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we commend family caregivers in Kansas for their service, sacrifice and commitment to improving the lives of others; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative O'Brien.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Vickrey, 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 Sub HB 2170**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2170** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for Substitute for House Bill No. 2170, as follows:

On page 2, in line 6, after the period by inserting "Violent"; in line 11, by striking all after "(b)"; by striking all in lines 12 through 17; in line 18, by striking all before the period and inserting "A student shall not be subjected to seclusion if the student is known to have a medical condition that could put the student in mental or physical danger as a result of seclusion. The existence of such medical condition must be indicated in a written statement from the student's licensed health care provider, a copy of which shall be provided to the school and placed in the student's file";

On page 3, in line 2, after the period by inserting "Upon the first occurrence of an incident involving the use of emergency safety interventions,"; in line 3, by striking the first "may" and inserting "shall"; also in line 3, by striking "or may" and inserting ", and upon the occurrence of a second or subsequent incident shall"; in line 4, after "a" by inserting "full"; in line 6, after the comma by inserting "rules and regulations adopted pursuant thereto or policies of the school district,"; in line 20, after "(2)" by inserting "the number of incidents in which emergency safety interventions were used on students who have a section 504 plan;

(3)";

Also on page 3, in line 22, after "program" by inserting "or a section 504 plan"; following line 24, by inserting:

"(5) the total number of students with behavior intervention plans subjected to an emergency safety intervention;

(6) the number of students physically restrained;

(7) the number of students placed in seclusion;";

Also on page 3, in line 28, by striking "and"; following line 28, by inserting:

"(10) the information reported under subsection (c)(1) through (c)(3) reported by school to the extent possible;

(11) the information reported under subsections (c)(1) through (c)(9) aggregated by age and ethnicity of the students on a statewide basis; and";

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

On page 4, in line 21, by striking "January" and inserting "March"; in line 22, after the period by inserting "Such rules and regulations shall include, but not be limited to, the standards for the use and reporting of emergency safety interventions as provided in sections 2 through 5, and amendments thereto."; in line 24, by striking "15" and

inserting "17"; following line 38, by inserting:

"(7) two members shall be appointed by the executive director of the Kansas council on developmental disabilities, one of which shall be a parent of a child with a disability;"

Also on page 4, in line 41, by striking "Kansas medical society" and inserting "center for child health and development of the university of Kansas medical center"; in line 42, after "Kansas" by inserting "who is a practicing physician with experience treating and diagnosing individuals with disabilities, but who is not a staff member of the center for child health and development of the university of Kansas medical center";

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

On page 5, in line 21, by striking "2017" and inserting "2018"; in line 23, by striking "statute book" and inserting "Kansas register";

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

STEVE E. ABRAMS

TOM ARPKE

ANTHONY HENSLEY

Conferees on part of Senate

CONNIE O'BRIEN

JOHN J. RUBIN

PONKA-WE VICTORS

Conferees on part of House

On motion of Rep. O'Brien, the conference committee report on **S Sub for Sub HB 2170** was adopted.

On roll call, the vote was: Yeas 111; Nays 1; Present but not voting: 0; Absent or not voting: 13.

Yeas: Alcala, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Couture-Lovelady, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kelly, Kleeb, Kuether, Lane, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwartz, Seiwert, Sloan, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: Smith.

Present but not voting: None.

Absent or not voting: Bridges, Brunk, Campbell, Carlin, Estes, Goico, Hawkins, Kahrs, Kelley, Kiegerl, Pauls, Schwab, Suellentrop.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2395** submits the following report:

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

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

TY MASTERSON

JIM DENNING

LAURA KELLY

Conferees on part of Senate

MARK HUTTON

LES MASON

STAN FROWNFEILER

Conferees on part of House

On motion of Rep. Hutton, the conference committee report on **HB 2395** was adopted.

On roll call, the vote was: Yeas 110; Nays 4; Present but not voting: 0; Absent or not voting: 11.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Couture-Lovelady, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kelly, Kiegerl, KleeB, Kuether, Lane, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwartz, Seiwert, Sloan, Smith, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Waymaster, Whipple, Whitmer, Williams, Wilson, Wolfe Moore.

Nays: Bridges, Burroughs, Ward, Winn.

Present but not voting: None.

Absent or not voting: Brunk, Campbell, Carlin, Estes, Goico, Hawkins, Kahrs, Kelley, Pauls, Schwab, Suellentrop.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2434, AN ACT concerning income taxation; relating to determination of income; addition modifications; subtraction modifications, business income; treatment of passive income; amending K.S.A. 2014 Supp. 79-32,117 and repealing the existing

section, by Committee on Taxation.

BILL RULED MATERIALLY CHANGED

Speaker pro tem Mast announced that in accordance with House Rule 2107, the Senate amendments to **S Sub for HB 2074** do materially change its subject and therefore is not subject to Motions to Concur and Nonconcur.

S Sub for HB 2074 was thereupon introduced and read by title

Speaker pro tem Mast thereupon referred **S Sub for HB 2074** to Committee on Calendar and Printing.

COMMITTEE ASSIGNMENT CHANGE

Speaker pro tem Mast announced the appointment of Rep. Burroughs to replace Rep. Whipple on Committee on Taxation for May 18 only.

REPORT ON ENGROSSED BILLS

HB 2106, Sub HB 2159 reported correctly engrossed May 15, 2015.

HB 2154, HB 2233 reported correctly re-engrossed on May 15, 2015.

S Sub for HB 2095 reported correctly engrossed May 18, 2015.

REPORT ON ENROLLED RESOLUTIONS

HR 6024 reported correctly enrolled and properly signed on May 18, 2015.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Tuesday, May 19, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

