

Journal of the House

FIFTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, April 2, 2018, 10:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Schwab in the chair.

The roll was called with 120 members present.

Reps. Henderson and Proehl were excused on verified illness.

Reps. Ballard, Ralph and Waymaster were excused on excused absence by the Speaker.

Present later: Reps. Ralph and Waymaster

Prayer by guest chaplain, Dr. S. D. Seaba, Senior Pastor, Elm Grove Baptist Church, Bonner Springs, and guest of Rep. Dove.

Dear Heavenly Father,

I come to you this day as a thankful Kansan, Praying that you will bless this great state, and all of those that represent it. May the dear Lord give wisdom to those who make our decisions. Lord, the leaders who make the laws for our state needs our prayers, and we pray they will seek your wisdom. Father, I ask that you give good health for them and their families.

We pray also for those who represent our cities and towns such as mayors and council members. May each and every one of us seek righteousness and Godliness as we ask for leadership, wisdom and direction. We thank you for blessings and Love. May you keep every one of our leaders safe.

We ask this in Jesus name, Amen!

The Pledge of Allegiance was led by Rep. Esau.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were referred to committees as indicated:

Judiciary: **HCR 5029**.

Taxation: **SB 367, SB 415, SB 430**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Koesten, **HR 6058**, by Reps. Koesten, Alcala, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, Curtis, Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, Patton, Phelps, Phillips, Pittman, Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, Smith, Stogsdill, Sutton, Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Wheeler, Whipple, Whitmer, Williams, Winn and Wolfe Moore, as follows, was introduced and adopted:

HOUSE RESOLUTION No. HR 6058—

HR 6058—A RESOLUTION congratulating and commending the University of Kansas debate team of Quaram Robinson and Will Katz for winning the National Debate Tournament championship.

WHEREAS, The 72nd National Debate Tournament took place from March 20 through March 27, 2018, at Wichita State University and involved the top 78 debate teams in the country that qualified for the tournament; and

WHEREAS, The University of Kansas debate program, coached by Scott Harris, was one of only six university debate programs to qualify three teams to the National Debate Tournament, including seniors Quaram Robinson and Will Katz, junior Jacob Hegna and freshman Nick Martin, and junior Chris Fry and freshman Nick Massa; and

WHEREAS, Robinson and Katz won the Copeland Award as the top-ranked debate team in the country based on the regular season going into the National Debate Tournament post-season; and

WHEREAS, Robinson and Katz had an overall record of 6-2 in the preliminary rounds to advance to the elimination rounds, where they defeated the University of Georgia, Northwestern University and the University of Nevada-Las Vegas to reach the Final Four; and

WHEREAS, Robinson and Katz faced off against undefeated Harvard University in the Final Four and beat them 3-2 to advance to the finals, where they defeated Georgetown University 4-3 to win the National Debate Tournament and capture the national title; and

WHEREAS, Robinson and Katz compiled the most successful season in the history of KU debate as they were the first team in the program's history to win both the regular season national championship and National Debate Tournament championship in the same year; and

WHEREAS, Robinson is the most successful individual debater in the history of KU debate, having twice reached the final round of the National Debate Tournament and reaching the elimination rounds of the tournament four times with four separate partners; and

WHEREAS, This was the KU debate team's sixth National Debate Tournament championship, 16th appearance in the Final Four and the 51st consecutive year that a KU debate team has qualified for the National Debate Tournament: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the University of Kansas debate team of Quaram Robinson and Will Katz for winning the National Debate Tournament championship, and that we honor the entire KU debate program and head coach, Scott Harris, for another spectacular season; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send five enrolled copies of this resolution to Representative Koesten.

INTRODUCTION OF GUESTS

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

Colleagues – In the 4th Century, Aristotle argued that a citizen's ability to articulate his thoughts and beliefs was the only way to clarify what the public really wanted to achieve, and without this rhetorical capability the city-state would die. Aristotle believed that through logic and reasoning, rhetorical skills were as important as physical skills in that through rhetoric one could assist in the defense of truth and justice; persuade a less informed audience; and ensure that all sides are considered.

It was through Aristotle's teachings that the foundation of policy debate as we know it today was formed. And, today I rise with immense pride to recognize members of my academic home at the Communication Studies Department and the University of Kansas.

Since 1885, KU has cultivated one of the most successful policy debate programs in the country. And so today, I offer a resolution congratulating and commending the University of Kansas debate team of Quaram Robinson and Will Katz for their NCAA National Championship.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2784, AN ACT concerning the Kansas state employees health care commission; providing for payroll deductions for indemnity insurance; amending K.S.A. 75-6521, 75-6522 and 75-6523 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcala, Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Hibbard, Higherberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly,

Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Rafie, Rahjes, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Henderson, Proehl, Ralph, Waymaster.

The bill passed.

SB 394, AN ACT concerning state and judicial government contracts and other actions; relating to transparency; amending K.S.A. 46-225, 46-237, 46-269 and 46-271 and K.S.A. 2017 Supp. 46-222, 46-237a and 46-265 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Rafie, Rahjes, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Henderson, Proehl, Ralph, Waymaster.

The bill passed, as amended.

On motion of Rep. Hineman, the House resolved into the Committee of the Whole, with Rep. Mason in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Mason, Committee of the Whole report, as follows, was adopted:

Recommended that committee report to **HB 2753** be adopted; and the bill be passed as amended.

On motion of Rep. Hineman, the House recessed until 1:00 p.m.

AFTERNOON SESSION

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

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2523** and has appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for S Sub for HB 2386** and has appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2549** and has appointed Senators V. Schmidt, Bollier and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub HB 2602** and has appointed Senators Baumgardner, Alley and Pettey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2481** and has appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H Sub for SB 179**, requests a conference and has appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 328**, requests a conference and has appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 180**, requests a conference and has appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 199**, requests a conference and has appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 261**, requests a conference and has appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 266**, requests a conference and has appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 281**, requests a conference and has appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 288**, requests a conference and has appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 296**, requests a conference and has appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 310**, requests a conference and has appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H Sub for SB 336**, requests a conference and has appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H Sub for SB 374**, requests a conference and has appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **H Sub for SB 179**.

Speaker pro tem Schwab thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 180**.

Speaker pro tem Schwab thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 199**.

Speaker pro tem Schwab thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 261**.

Speaker pro tem Schwab thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 266**.

Speaker pro tem Schwab thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 281**.

Speaker pro tem Schwab thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 288**.

Speaker pro tem Schwab thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 296**.

Speaker pro tem Schwab thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 310**.

Speaker pro tem Schwab thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 328**.

Speaker pro tem Schwab thereupon appointed Reps. Jennings, Whitmer and Highberger as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **H Sub for SB 336**.

Speaker pro tem Schwab thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **H Sub for SB 374**.

Speaker pro tem Schwab thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Osterman, the House concurred in Senate amendments to **Sub HB 2147**, AN ACT concerning income taxation; relating to refunds; certain Native American veterans.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Rafie, Rahjes, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Henderson, Proehl, Ralph.

On motion of Rep. Davis, the House concurred in Senate amendments to **HB 2639**, AN ACT concerning child care facilities; relating to individuals maintaining or residing, working or regularly volunteering at a child care facility; collection of a fee for fingerprinting such individuals; amending K.S.A. 2017 Supp. 65-516 and repealing the existing section.

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

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burroughs, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Hawkins, Helgerson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason,

Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Probst, Rafie, Rahjes, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore.

Nays: Averkamp, Burris, B. Carpenter, Garber, Houser, Huebert, Jacobs, K. Jones, R. Powell, Vickrey, Whitmer.

Present but not voting: None.

Absent or not voting: Ballard, Henderson, Proehl, Ralph.

On motion of Rep. Hawkins, the House nonconcurred in Senate amendments to **S Sub for HB 2028** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Hawkins, Concannon and Murnan as conferees on the part of the House.

On motion of Rep. Finch, the House nonconcurred in Senate amendments to **HB 2458** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

On motion of Rep. Finch, the House nonconcurred in Senate amendments to **HB 2479** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

On motion of Rep. Johnson, the House nonconcurred in Senate amendments to **HB 2488** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Johnson, Phillips and Sawyer as conferees on the part of the House.

On motion of Rep. Johnson, the House nonconcurred in Senate amendments to **HB 2492** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Johnson, Phillips and Sawyer as conferees on the part of the House.

On motion of Rep. Esau, the House nonconcurred in Senate amendments to **HB 2539** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Esau, Carpenter and Miller as conferees on the part of the House.

On motion of Rep. Sloan, the House nonconcurred in Senate amendments to **HB 2577** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Sloan, Rahjes and Victors as conferees on the part of the House.

On motion of Rep. Hoffman, the House nonconcurred in Senate amendments to **HB 2583** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Hoffman, Thompson and Carlin as conferees on the part of the House.

On motion of Rep. Esau, the House nonconcurred in Senate amendments to **HB 2642** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Esau, Carpenter and Miller as conferees on the part of the House.

On motion of Rep. Seiwert, the House nonconcurred in Senate amendments to **S Sub for HB 2701** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Seiwert, Garber and Kuether as conferees on the part of the House.

On motion of Rep. Hineman, the House resolved into the Committee of the Whole, with Rep. Mason in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Mason, Committee of the Whole report, as follows, was adopted:

Recommended that:

HB 2562 be passed over and retain a place on the calendar.

Committee report to **HB 2445** be adopted.

Also, on motion of Rep. Patton, **HB 2445** be amended on page 2, in line 7, by subtracting \$12,000,000 from the dollar amount and by adjusting the dollar amount in line 7 accordingly;

On page 23, in line 4, by striking "fully"; in line 8, by striking "fully"; in line 10, by striking "fully"

Also, roll call was demanded on motion of Rep. Landwehr, to amend **HB 2445** on page 2, by striking all in lines 9 through 22 and inserting:

"Mental health intervention team pilot program..... \$4,190,776
Provided, That expenditures shall be made by the above agency to implement the mental health intervention team pilot program so as to improve social-emotional wellness and outcomes for students by increasing schools' access to counselors, social workers and psychologists statewide: *Provided*, That school districts participating in such program shall enter into the necessary memorandums of understanding and other necessary agreements with participating community mental health centers and the appropriate state agencies to implement the pilot program: *Provided further*, That mental health intervention teams shall consist of school liaisons employed by the participating school district, and clinical therapists and case managers employed by the participating community mental health center: *And provided further*, That the following shall participate in the pilot program for fiscal year 2019: (1) 23 schools in the Wichita school district (U.S.D. no. 259); (2) 28 schools in the Topeka school district (U.S.D. no. 501); (3) 10 schools in the Kansas City school district (U.S.D. no. 500); (4) 5 schools in the Parsons school district (U.S.D. no. 503); (5) 4 schools in the Garden City school district (U.S.D. no. 457); and (6) 9 schools served by the central Kansas cooperative in education: *And provided further*, That on or before June 30, 2019, the director of the division of health care finance of the department of health and environment shall certify to the director of the budget and the director of the legislative research department the aggregate amount of expenditures for fiscal year 2019 for treatment and services for

students provided under the mental health intervention team pilot program, or provided based on a referral from such program.

MHIT pilot program – online database.....	\$2,500,000
MHIT school liaisons.....	\$3,263,110

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

(b) During fiscal year 2019, upon certification by the commissioner of education that the necessary memorandums of understanding have been executed between the participating school districts and community mental health centers to implement the mental health intervention team pilot program, the director of accounts and reports shall transfer \$1,541,050 from the mental health intervention pilot program account in the state general fund of the department of education to the community mental health center improvement fund of the department for aging and disability services: *Provided*, That moneys transferred pursuant to this subsection shall be expended to provide treatment and services for students under the mental health intervention team pilot program who are uninsured or underinsured."

On roll call, the vote was: Yeas 107; Nays 14; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Hibbard, Hineman, Hodge, Hoffman, Holscher, Horn, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Neighbor, Ohaebosim, Orr, Osterman, F. Patton, Phelps, Phillips, R. Powell, Rafie, Rahjes, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wolfe Moore.

Nays: Carmichael, Crum, S., Helgerson, Highberger, Highland, Houser, Kuether, Murnan, Ousley, Parker, Pittman, Probst, Smith, A., Winn.

Present but not voting: None.

Absent or not voting: Ballard, Henderson, Proehl, Ralph.

The motion of Rep. Landwehr to amend **HB 2445** prevailed.

Also, on further motion of Rep. Landwehr to amend **HB 2445**, Rep. Trimmer requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane.

Roll call was demanded on motion of Rep. Landwehr to amend **HB 2445**, on page **31, following line 21, by inserting:**

"Sec. 17. Sections 17 through 29, and amendments thereto, shall be known and may be cited as the Kansas school closure contingency act.

Sec. 18. As used in the Kansas school closure contingency act:

- (a) "Account" means a Kansas school closure contingency account.
- (b) "Department" means the Kansas department of education.
- (c) "Parent" means a parent, legal guardian custodian or other person with authority

to act on behalf of a qualified student.

(d) "Participating learning entity" means a nonpublic entity that satisfies at least one of the requirements set forth in section 25(a)(1), and amendments thereto.

(e) "Program" means the Kansas school closure contingency program established under section 19, and amendments thereto.

(f) "Qualified student" means a resident of Kansas who:

(1) Is or has been enrolled in kindergarten or any of the grades one through 12 in such student's resident school district;

(2) is eligible to be enrolled in such student's school district in the school year in which an account is first sought for such resident and the resident is under the age of six; or

(A) has established an account pursuant to such act; and

(B) has not graduated from high school.

(g) "Resident school district" means the school district in which a qualified student would be enrolled based on such qualified student's residence.

(h) "Treasurer" means the state treasurer or the state treasurer's designee.

Sec. 19. (a) The treasurer shall administer the Kansas school closure contingency program which is hereby established. The purpose of the program is to provide options for the education of Kansas students in the event the public school system in Kansas is closed due to court order or otherwise closed such that students are not permitted to attend a public school.

(b) Upon the receipt of information that the public schools operated by school districts organized under the laws of this state are prohibited by court order, law or other legally binding order from providing instruction for any portion of any school year, the state board of education shall certify the existence of such conditions and submit such certification to the treasurer.

(c) The provisions of sections 17 through 29, and amendments thereto, shall be effective on and after the date on which the treasurer receives the certification described in subsection (b).

Sec. 20. (a) The treasurer shall establish a Kansas school closure contingency account for each qualified student whose parent satisfies the requirements of the Kansas school closure contingency act.

(b) The treasurer shall maintain an explanation of the following information on the treasurer's website and provide a hard copy of such information to any person who requests it:

(1) The allowable uses of moneys in an account;

(2) the responsibilities of a parent of a qualified student participating in the program;

(3) the effect of participation in the program by qualified students with an individualized education program (IEP) or an education plan under section 504 of the rehabilitation act of 1973, 29 U.S.C. § 794 (section 504 plan);

(4) the duties of the treasurer; and

(5) a list of participating learning entities.

Sec. 21. (a) To establish an account, the parent of a qualified student shall enter into a written agreement with the treasurer, in a manner and on a form prescribed by the treasurer.

(b) The agreement between the parent of a qualified student and the treasurer shall

provide:

(1) The qualified student shall not enroll full-time in the qualified student's resident school district;

(2) the qualified student shall receive instruction from a participating learning entity or postsecondary educational institution;

(3) the parent shall comply with all requirements and rules and regulations of the program; and

(4) the money in the qualified student's account shall only be expended as authorized by this program.

(c) Only one account may be established for each qualified student. A parent acting on behalf of more than one qualified student shall have a separate written agreement for each qualified student.

(d) A written agreement entered pursuant to the Kansas school closure contingency act shall have a term of one year, but may be terminated early pursuant to subsection (e). Such written agreement shall be executed on or before August 1 of the current school year. Such written agreement may be renewed annually by August 1 upon the written consent of the parent and the treasurer in a manner determined by the treasurer, except the parent may submit a request to the treasurer for an extension of time for renewal not to exceed 30 days. Failure to renew a written agreement does not preclude renewal of such written agreement in a subsequent year. A written agreement that has been terminated pursuant to subsection (e) shall not be renewed.

(e) (1) A written agreement may be terminated by the treasurer upon a determination that:

(A) Money in an account has been used for purposes other than those allowed by the program;

(B) the qualified student no longer satisfies the definition of a "qualified student"; or

(C) the qualified student enrolls in such student's resident school district on a full-time basis.

(2) A written agreement may be terminated by a parent at any time. To terminate a written agreement, such parent shall notify the treasurer in writing of such termination.

(3) When a written agreement is terminated, the account associated with such agreement shall be deemed no longer active, and the treasurer shall close the account in accordance with section 22(d)(2), and amendments thereto.

Sec. 22. (a) (1) There is hereby established in the state treasury the Kansas school closure contingency fund to be administered by the state treasurer. Money in the Kansas school closure contingency fund shall be expended only for the purposes established in the Kansas school closure contingency act. All moneys received pursuant to section 23, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas school closure contingency fund.

(2) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas school closure contingency fund interest earnings based on:

(A) The average daily balance of moneys in the Kansas school closure contingency fund; and

(B) the net earnings rate of the pooled money investment portfolio for the

preceding month.

(b) Upon execution of an agreement in accordance with section 20, and amendments thereto, the treasurer shall establish an account in the Kansas school closure contingency fund in the state treasury in the name of the qualified student. Upon establishment of such account, the treasurer shall notify the resident school district of the establishment of such an account for the qualified student.

(c) (1) (A) The treasurer shall transfer to a qualified student's account in the Kansas school closure contingency fund an aggregate annual amount equal to the BASE aid, as defined in K.S.A. 2017 Supp. 72-5132, and amendments thereto, for the immediately preceding school year, plus an amount equal to the per student proportion of that portion of the qualified student's resident school district's state foundation aid that is directly attributable to such district's weightings for the immediately preceding school year. The treasurer shall make such transfers in quarterly installments pursuant to a schedule determined by the treasurer.

(B) In addition to any amounts transferred to a qualified student's account pursuant to subparagraph (A), the treasurer shall transfer to a qualified student's account an amount equal to the fees for transportation provided by a participating learning entity required for the qualified student to travel to and from such participating learning entity. Prior to any such transfer, the participating learning entity shall certify the fees for such transportation. In no event shall such transfer exceed \$750.

(2) If a qualified student enrolls in such student's resident school district on a part-time basis, such qualified student or such student's parent shall notify the treasurer and the treasurer shall prorate the amount to be transferred under subsection (c)(1)(A).

(3) The treasurer may deduct a percentage of the amount to be transferred into an account pursuant to subsection (c)(1)(A) as reimbursement for the administrative costs of implementing the provisions of such act as follows:

(A) Up to 5% each year for the first two years money is transferred to a qualified student's account under subsection (c)(1)(A); and

(B) up to 2.5% the third year and each subsequent year money is transferred to a qualified student's account under subsection (c)(1)(A).

(4) No transfers shall be made to any qualified student's account after such student has graduated from high school.

(d) (1) Each account shall remain active until:

(A) A written agreement is terminated pursuant to section 21, and amendments thereto;

(B) the student graduates from high school; or

(C) there are two consecutive years of nonrenewal of an agreement.

(2) When the treasurer determines an account is no longer active, the treasurer shall close the account and certify the amount of funds remaining in the account to the director of accounts and reports. Such certified amount shall be transferred from the closed account to the Kansas school closure contingency fund.

(e) The treasurer shall develop a system for payment of services by participating parents by electronic funds transfer. However, such system shall not require parents to be reimbursed for out-of-pocket expenses. All transfers shall be only for expenditures approved by the treasurer. The treasurer may contract with a third party for the purposes of this subsection.

Sec. 23. (a) The treasurer shall notify the state board of education as to the names

of the students participating in the program and the resident school district of each such student.

(b) For school year 2018-2019, and each school year thereafter, a qualified student shall be counted in the enrollment of such qualified student's resident school district for the purposes of calculating the amount of the state foundation aid per student for the school district. An amount equal to the BASE aid, as defined in K.S.A. 2017 Supp. 72-5132, and amendments thereto, plus an amount equal to the per student proportion of that portion of the qualified student's resident school district's state foundation aid that is directly attributable to such district's weightings for the immediately preceding school year, shall be multiplied by the total number of qualified students in such school district who are participating in the program and have not graduated from high school. The state board of education shall certify the resulting product to the director of accounts and reports. Upon receipt of such certification, the director shall transfer such certified amount from the state general fund to the Kansas school closure contingency fund established in section 22, and amendments thereto.

(c) For school year 2018-2019 and each school year thereafter, the state board shall deduct from the amount of state foundation aid for each school district an amount equal to the amount certified under subsection (b).

Sec. 24. (a) Moneys in the qualified student's account may be accessed by such qualified student's parent, but shall only be expended by such parent for the following purposes:

- (1) Tuition and fees charged by a participating learning entity;
- (2) textbooks and other supplies required by a participating learning entity;
- (3) educational therapies or services provided by a licensed or accredited education provider;
- (4) tutoring services provided by a certified tutor;
- (5) curriculum materials;
- (6) tuition or fees charged by an accredited private online learning program;
- (7) fees for any nationally standardized norm-referenced achievement test, advanced placement examination or other examination related to admission to a postsecondary institution;
- (8) contracted services from a public school district, including individual classes;
- (9) fees for transportation provided by a participating learning entity required for the qualified student to travel to and from a participating learning entity;
- (10) tuition and fees charged by a postsecondary educational institution; and
- (11) any other education expenses approved by the treasurer.

(b) The treasurer shall notify the parent of any expenditures from a qualified student's account that do not meet the requirements of subsection (a). Such parent shall repay the cost of any such expenditures within 30 days of notification by the treasurer.

(c) Except as provided in section 22(d), and amendments thereto, funds remaining in an account at the end of a school year shall roll over to the next succeeding school year.

(d) A participating learning entity providing education services purchased with funds from an account shall not share, refund or rebate any portion of such funds to the parent or qualified student. Any such refund or rebate shall be made directly into the qualified student's account.

(e) No personal deposits may be made into an account.

(f) (1) The treasurer shall conduct or contract to conduct annual audits of school closure contingency accounts to ensure compliance with the provisions of this act. The treasurer shall also conduct or contract to conduct random and quarterly audits of school closure contingency accounts as needed to ensure compliance with the Kansas school closure contingency act.

(2) If the treasurer determines money in an account has been used for purposes other than those allowed by subsection (a), the treasurer may:

(A) Prohibit expenditures from the account until such time as determined by the treasurer;

(B) prorate amounts to be deposited in such account under section 22, and amendments thereto, by an amount equal to the total amount used for purposes other than those allowed by subsection (a); or

(C) terminate the account.

Sec. 25. (a) To become a participating learning entity, an applicant shall submit an application to the treasurer on a form and in a manner prescribed by the treasurer. Such application shall include proof of the following:

(1) The applicant is:

(A) An accredited nonpublic school registered with the state board of education pursuant to K.S.A. 2017 Supp. 72-4346, and amendments thereto;

(B) an accredited program of distance education that is not operated by a public school or the department;

(C) a tutor or tutoring facility that is accredited by a state, regional or national accrediting organization;

(D) an educational therapy provider; or

(E) a special education services provider; and

(2) if the applicant is a nonpublic school, then the applicant provides instruction in at least those subjects required by K.S.A. 2017 Supp. 72-3214, 72-3217 and 72-3235, and amendments thereto.

(b) The treasurer shall approve an application or request additional information as necessary to prove an applicant meets the criteria to be deemed a participating learning entity within 45 days of receiving the application. If the applicant is unable to provide such additional information, the treasurer may deny the application.

(c) The treasurer shall conduct, or contract for the performance of, an audit of a participating learning entity selected at random each year to determine whether the participating learning entity is compliant with the requirements of subsection (a).

(d) (1) The treasurer may revoke a participating learning entity's approval if the treasurer determines the participating learning entity:

(A) Has routinely failed to comply with the provisions of the Kansas school closure contingency act or applicable rules and regulations; or

(B) has failed to provide any educational services required by law to a qualified student receiving instruction from the entity if the entity is accepting payments made from such student's account.

(2) Prior to revoking a participating learning entity's approval, the treasurer shall notify such participating learning entity of impending revocation and the reason for such revocation. The participating learning entity shall have 30 days from the time it was notified to cure the matter identified in the notice. If the participating learning entity fails to cure within 30 days, such participating learning entity's approval shall be

revoked. A participating learning entity whose approval has been revoked shall not be allowed to participate in the program until such time the treasurer determines such participating learning entity is in compliance with the requirements of such act.

(3) If the treasurer revokes a participating learning entity's approval, the treasurer shall immediately notify each parent of a qualified student participating in the program and receiving instruction from such participating learning entity.

(e) The treasurer may notify the attorney general or the district attorney of the county where the participating learning entity is located if a participating learning entity's approval was revoked because of misuse of money paid from an account.

Sec. 26. Enrollment of a qualified student in a nonpublic school that is a participating learning entity shall be considered a parental placement of such student under the individuals with disabilities education act, 20 U.S.C. § 1400 et seq.

Sec. 27. The provisions of the Kansas school closure contingency act shall be subject to the Kansas administrative procedure act.

Sec. 28. On or before January 1, 2019, the treasurer shall adopt rules and regulations necessary to carry out the provisions of the Kansas school closure contingency act.

Sec. 29. Nothing in the Kansas school closure contingency act shall be deemed to limit the independence or autonomy of a participating learning entity or to make the actions of a participating learning entity the actions of the state government.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "creating the Kansas school closure contingency act;"

On roll call, the vote was: Yeas 40; Nays 81; Present but not voting: 0; Absent or not voting: 4.

Yeas: Awerkamp, Bergquist, Blex, Burris, B. Carpenter, Claeys, Corbet, E. Davis, Delperdang, Dove, Ellis, Esau, Garber, Hawkins, Highland, Hoffman, Houser, Huebert, Humphries, Jacobs, K. Jones, Landwehr, Mason, Osterman, R. Powell, Rafie, Resman, Ryckman, Schwab, Seiwert, Smith, E., Sutton, Tarwater, Thimesch, Trimboli, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Nays: Alcalá, Alford, Arnberger, Aurand, Baker, Barker, Becker, Bishop, Brim, Burroughs, Carlin, Carmichael, Clark, Clayton, Concannon, Cox, Crum, S., Curtis, Deere, Dierks, Dietrich, Elliott, Eplee, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Helgerson, Hibbard, Highberger, Hineman, Hodge, Holscher, Horn, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murman, Neighbor, Ohaebosim, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Probst, Ralph, Rooker, Ruiz, Sawyer, Schreiber, Schroeder, Sloan, Smith, A., Stogsdill, S. Swanson, Thompson, Trimmer, Victors, Ward, Weigel, Wheeler, Whipple, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Ballard, Henderson, Proehl, Rahjes.

The motion of Rep. Landwehr to amend **HB 2445** did not prevail.

Also, on motion of Rep. Carpenter to amend **HB 2445**, Rep. Rooker requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, roll call was demanded on motion of Rep. Trimmer to amend **HB 2445**, on page 2, in line 6, by adding \$135,525,000 to the dollar amount and by adjusting the

dollar amount in line 6 accordingly;

On page 3, in line 12, by striking "\$4,170" and inserting "\$4,365"; in line 13, by striking "\$4,307" and inserting "\$4,560"; in line 14, by striking "\$4,444" and inserting "\$4,755"; in line 15, by striking "\$4,581" and inserting "\$4,950"; in line 16, by striking "\$4,718" and inserting "\$5,145"

On roll call, the vote was: Yeas 46; Nays 76; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Bishop, Brim, Burroughs, Carlin, Carmichael, Clayton, Cox, Crum, S., Curtis, Deere, Finney, Frownfelter, Gartner, Good, Helgerson, Highberger, Hodge, Holscher, Horn, Kessinger, Koesten, Kuether, Lusk, Lusker, Markley, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Pittman, Probst, Rooker, Ruiz, Sawyer, Stogsdill, Trimmer, Victors, Ward, Weigel, Whipple, Winn, Wolfe Moore.

Nays: Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Bergquist, Blex, Burris, B. Carpenter, Claeys, Clark, Concannon, Corbet, E. Davis, Delpendang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Gallagher, Garber, Hawkins, Hibbard, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Landwehr, Lewis, Mason, Mastroni, Orr, Osterman, F. Patton, Phillips, R. Powell, Rafie, Rahjes, Ralph, Resman, Ryckman, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Ballard, Henderson, Proehl.

The motion of Rep. Trimmer to amend **HB 2445**, did not prevail.

Also, on motion of Rep. Pittman to amend **HB 2445**, the motion did not prevail.

Also, on further motion of Rep. Pittman to amend **HB 2445**, the motion did not prevail.

Also, on motion of Rep. Tarwater to amend **HB 2445**, the motion did not prevail.

Also, on motion of Rep. Whitmer to amend **HB 2445**, Rep. Rooker requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

The motion to recommend **HB 2445** favorably for passage did not prevail.

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 2794, AN ACT concerning income taxation; relating to certain deferred foreign income and global intangible low-taxed income; modifications; amending K.S.A. 2017 Supp. 79-32,117 and 79-32,138 and repealing the existing sections, by Committee on Taxation.

REPORT ON ENGROSSED BILLS

HB 2734 reported correctly engrossed on March 28, 2018.

HB 2753 reported correctly engrossed April 2, 2018.

HB 2496 reported correctly re-engrossed on March 29, 2018.

REPORT ON ENROLLED BILLS

HB 2472, HB 2501, HB 2516, HB 2524, HB 2580, HB 2581 reported correctly enrolled, properly signed and presented to the Governor on April 2, 2018.

REPORT ON ENROLLED RESOLUTIONS

HR 6055 reported correctly enrolled and properly signed on April 2, 2018.

BILLS STRICKEN FROM THE CALENDAR

In accordance with House Rule 1507, the following bills were stricken from the calendar for March 29, 2018: **H Sub for SB 57, H Sub for SB 264.**

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Tuesday, April 3, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

