

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfroid at 1:30 P.M. on March 6, 2007 in Room 313-S of the Capitol.

All members were present except:

Representative Mike Peterson- absent

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Mike Heim, Revisor of Statutes Office  
Carol Doel, Committee Assistant

Conferees:

Senator Dennis Pyle  
Brad Bryant, Deputy Assistant Secretary of State  
Dr. James Sherman, Professor University of Kansas  
Michael Wasmer, DVM  
Lisa Bingham, Student Services Consultant  
Kirsten Sneid, R.N.  
Mark Tallman, Assistant Executive Director KASB  
Bob Vancrum, Blue Valley

Others attending:

See attached list

Chairman Siegfroid opened the floor for bill introductions.

Representative Huntington requested a Constitutional Amendment for gaming. The Chairman moved the bill with a second by Representative Ruiz. With no objections, the bill will be accepted.

Representative Olson requested a bill regarding drivers' license renewals. The Chairman moved the bill with a second by Representative Huebert. With no objections, the bill will be accepted.

The Chair moved a bill regarding casino gambling with a second by Representative Huebert. With no objections, the bill will be accepted.

The Chair moved a bill regarding a Constitutional gaming statute with a second by Representative Huebert. With no objection, the bill will be accepted.

There were no other bill introductions.

Chairman Siegfroid opened the floor for public hearing on **SB 152** - Vacancy in office of U.S. Senator; procedure.

Mike Heim, Revisor's Office, explained the bill.

Senator Dennis Pyle provided testimony in support of **SB 152** with the opinion that through the events surrounding the illness of United States Senator Johnson, that our state's process for filling vacancies in the U.S. Congress is lacking in uniformity. Currently a vacancy in the U.S. House must be filled by a special election, and our current statutes require that a vacancy in the U.S. Senate be filled by appointment of the Governor. It is Senator Pyle's opinion that in order to ensure uniformity in procedure, the people of Kansas should determine who should fill a vacancy in the Senate in similar fashion to filling a congressional vacancy. (Attachment 1) Senator Pyle also included a balloon to **SB 152**. (Attachment 2)

With no other proponents and no opponents to **SB 152**, the Chair recognized Brad Bryant, Secretary of States Office who provided testimony neutral to the bill. The Secretary of State is neutral on the central policy question of **Sub. SB 152**, regarding whether vacancies should be filled by special election or by appointment. However, they listed four questions regarding the administration of the elections required by the bill.

## CONTINUATION SHEET

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([Attachment 3](#))

No other person wished to address the bill, and the Chair closed the hearing on **SB 152**.

Chairman opened the floor for public hearing on **HB 2436** - School Districts; special education; include behavior management and applied behavioral analysis within definition of related services.

Mike Heim, Revisor's Office, gave an overview of **HB 2436** and reported a fiscal note of \$11,468,720.

Dr. James Sherman, Professor in the Department of Applied Behavioral Science at the University of Kansas, provided testimony supporting **HB 2436**. Dr. Sherman related that the need to provide education for people with developmental disabilities has overwhelmed the existing resources of a number of our public schools. He further stated that there are number of things that probably need to be done to address this issue and one of these is addressed in the proposed legislation of **HB 2436**. The bill addresses the provision of related services and includes services of "behavior management and applied behavior analysis which is provided by a licensed or certified behavior analyst." ([Attachment 4](#))

Mike Wasmer, DVM from Olathe, Kansas is the father of a child with autism who supports **HB 2436**. He is also a member of the Kansas Governor's Commission on Autism, and cofounder of the Kansas Coalition for Autism Legislation. Dr. Wasmer related that the bill would amend the Kansas Education Statutes regarding special education to include certified behavior analysts in the definition of "special teacher." Dr. Wasmer further stated that he was able to provide his child with the services of a board certified behavior analyst to oversee a team of service providers; including para professionals, speech therapist, occupational therapist and an early child hood special educator. He feels that the passage of **HB 2436** would enhance the quality of services provided to children with autism by our public schools. ([Attachment 5](#))

Providing testimony on behalf of the Blue Valley School District supporting **HB 2436**, was Lisa Bingham Student Service Consultant. Ms. Bingham stated that they have found the expertise of Behavior Analysts to be invaluable to their staff. They have made a tremendous impact with the students, and without their intervention, they fear that many of the children with developmental disabilities would not be able to stay in the public school setting. ([Attachment 6](#))

Kirsten Sneid, R.N., parent and founding member, Autism Society of Johnson County, supports the passage of **HB 2436**. Ms. Sneid related that in the last five years there has been a surge in requests for Positive Behavioral Support Training from all the non-profit organizations for which she is a volunteer. She also stated that the inclusion of behavior management and Applied Behavioral Analysis will offer schools additional tools to help educate our most vulnerable population. ([Attachment 7](#))

Written testimony supporting **HB 2436** was provided by Carol Garrison, M.D. of Shawnee, Kansas ([Attachment 8](#)), Representative Ray Merrick ([Attachment 9](#)), and United School Administrators of Kansas. ([Attachment 10](#))

There were no other proponents for **HB 2436**, and the Chair recognized Mark Tallman of the Kansas Association of School Boards as an opponent to the bill. Mr. Tallman stated that if the intent of the bill is to allow, but not require, behavioral management, the bill is unnecessary. Second, if the intent of the bill is to require such services, the organization would oppose it on the basis of the position adopted by their members that state laws and regulations for special education should not exceed the extensive array of federal laws and regulations in this area. Third, they do not believe specific methodologies for special education services should be contained in state law or regulations. Fourth, because this bill seems to focus on services to students with autism, they note that the Senate has passed a bill, **SB 138**, establishing a task force on services for persons with autism. ([Attachment 11](#))

Bob Vancrum, representing the Blue Valley School District, addressed the Committee as neutral to **HB 2436**. Mr. Vancrum stated that the Blue Valley School District would support adding a position to the list of special educations positions that receive categorical funding. Certified Behavior Analysts are currently not considered a reimbursable position. There recommendation is intended to allow districts that wish to employ those professionals, based on the needs of the students served, to receive funding for those professionals.

CONTINUATION SHEET

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(Attachment 12)

With no other person wishing to speak to the bill, the Chair closed the hearing on **HB 2436**.

Chairman Siegfried called attention to written testimony from Ronald Miller, Chief of Police for the City of Topeka (Attachment 13), and Sandy Jacquot of the League of Kansas Municipalities (Attachment 14) on a bill previously heard in committee, **HB 2528** - Firearms; state preemption of regulation; amendments to concealed weapon licensure law.

With no further business before the committee, Chairman Siegfried adjourned the meeting.