

Journal of the House

FIFTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, May 1, 2009, 1:00 p.m.

The House met pursuant to recess with Speaker pro tem Siegfried in the chair.
The roll was called with 119 members present.
Rep. Navinsky was excused on verified illness.
Reps. George, Landwehr, Neufeld, Roth and Shultz were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Steve L. Vaughn, Senior Pastor, Fairlawn Nazarene Church, Topeka:

Father, creator of our existence, may you be praised for this new day of life. In your presence may we honor you with our words, glorify you with our actions and be a reflection of you with our decisions.

In this moment may you engulf this place with your principles and morals to govern the actions taken to better the quality of life. May these men and women give careful attention to responsibilities and to the task at hand.

We pray a special guidance to Governor Parkinson as he takes on new roles in governing this great state. Grant him the wisdom to direct us to a new place in time, and growth despite obstacles and hindrances.

We ask for your help in these times of financial stress. Today's decisions concern people's livelihood and future. Direct us into understanding that change happens out of inspiration and desperation and now provide wisdom to this group to decipher the two as they make plans for today and tomorrow.

In Christ's Name I ask. Amen.

The Pledge of Allegiance was led by Rep. Furtado.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2404, An act concerning taxation; relating to income taxation; deductions; determination of Kansas adjusted gross income; credits; amending K.S.A. 2008 Supp. 79-32,117, 79-32,120, 79-32,138 and 79-32,205 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 79-32,117m, by Committee on Appropriations.

HB 2405, An act concerning taxation; relating to corporate income tax rates; distribution of mineral severance tax to oil and gas valuation depletion trust fund; amending K.S.A. 2008 Supp. 79-32,110 and 79-4227 and repealing the existing sections, by Committee on Appropriations.

HB 2406, An act concerning sales taxation; relating to exemptions; goodwill industries; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Appropriations.

HB 2407, An act concerning taxation; relating to rates and continuation of estate tax; income tax credits; time of payment and returns of mineral severance tax; rates and continuation of franchise tax; amending K.S.A. 40-253a, 79-4220 and 79-4221 and K.S.A. 2008 Supp. 40-2803, 40-2804, 74-50,208, 79-15,203, 79-15,251, 79-32,117, 79-32,215 and 79-5401 and repealing the existing sections; also repealing K.S.A. 79-32,194 and 79-32,199 and

K.S.A. 2008 Supp. 79-15,253, 79-32,117m, 79-32,195, 79-32,196, 79-32,197, 79-32,197a, 79-32,198, 79-32,199a and 79-32,199b, by Committee on Appropriations.

COMMUNICATIONS FROM STATE OFFICERS

From Roger Werholtz, Secretary of Corrections, in accordance with K.S.A. 60-4117, report for the Kansas Department of Corrections State Forfeiture Fund for December 1, 2007 through December 1, 2008.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 22** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL No. 22," as follows:

"HOUSE Substitute for SENATE BILL No. 22

By Committee on Appropriations

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, reducing compensation for state officers and employees, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2008 Supp. 72-8814, 76- 7,107, as amended by section 139 of 2009 Senate Substitute for House Bill No. 2354, 79-2978, as amended by section 88 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79- 2979, as amended by section 89 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-3425i, as amended by section 144 of 2009 Senate Substitute for House Bill No. 2354, and 79-34,156, as amended by section 91 of 2009 House Substitute for Substitute for Senate Bill No. 23, and repealing the existing sections; also repealing section 102 of 2009 Senate Substitute for House Bill No. 2354, 79-2978, as amended by section 142 of 2009 Senate Substitute for House Bill No. 2354, and 79-2979, as amended by section 143 of 2009 Senate Substitute for House Bill No. 2354."; and the substitute bill be passed.

(**H. Sub. for SB 22** was thereupon introduced and read by title.)

On motion of Rep. Merrick, the House recessed until 3:30 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to House Rule 2311, House Rule 1502 was suspended for the purpose of considering **H. Sub. for SB 22**.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Hayzlett in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Merrick, pursuant to House Rule 2311, House Rule 3905 be suspended requiring the printing and distribution of appropriation bills 24 hours before consideration. The motion prevailed.

Also, on motion of Rep. Merrick, pursuant to House Rule 2311, House Rule 1704 be suspended for the purpose of Reprs. Yoder, Watkins and Feuerborn to speak more than once. The motion prevailed.

Committee report recommending a substitute bill to **H. Sub. for SB 22** be adopted; also, roll call was demanded on motion of Rep. Kinzer to amend on page 141, preceding line 7, by inserting the following:

“Sec. 105. (a) During the fiscal year ending June 30, 2010, subject to any applicable requirements of federal statutes, rules, regulations or guidelines, any expenditures or grants of money by any state agency for family planning services financed in whole or in part from federal title X moneys shall be made subject to the following two priorities: First priority to public entities (state, county, local health departments and health clinics) and if any moneys remain then; second priority to non-public entities which are hospitals or federally qualified health centers that provide comprehensive primary and preventative care in addition to family planning services.

(b) As used in this section “hospitals” shall have the same meaning as defined in K.S.A. 65- 425, and amendments thereto, and “federally qualified health center” shall have the same meaning as defined in K.S.A. 65-1669, and amendments thereto.”

And by renumbering the remaining sections accordingly;

On roll call, the vote was: Yeas 71; Nays 47; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Frownfelter, Fund, D. Gatewood, Goico, Gordon, Grange, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Light, Long, Lukert, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Svaty, Swenson, Tafanelli, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, Yoder.

Nays: Ballard, Benlon, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Goyle, Henderson, Hill, Horst, Huntington, Johnson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Menghini, Neighbor, Peterson, Pottorff, Proehl, Quigley, Rardin, Ruiz, Sawyer, Slattery, Sloan, Spalding, Swanson, Talia, Tietze, Trimmer, Ward, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: George, Hawk, Landwehr, Navinsky, Neufeld, Roth, Shultz.

The motion of Rep. Kinzer prevailed.

Also, on motion of Rep. Colloton to amend **H. Sub. for SB 22**, the motion did not prevail.

Also, on motion of Rep. Watkins, **H. Sub. for SB 22** be amended on page 118, of the typed version of the bill, by striking all in lines 22 and 23;

By striking all on pages 119 through 123, of the typed version of the bill;

On page 124, of the typed version of the bill, by striking all in lines 1 through 12;

And by renumbering sections accordingly;

Also, on motion of Rep. Crum, **H. Sub. for SB 22** be amended on page 42, after line 11, by inserting the following:

“(v) During fiscal year 2010, no expenditure shall be made by the above agency from the mental health and retardation services aid and assistance account or any other accounts of the state general fund for payment to the community living opportunities for reimbursement at extraordinary funding levels raised from the regular rate for certain individuals during the fiscal year ending June 30, 2009: *Provided*, That the extraordinary funding levels of those individuals shall go back to the previous regular reimbursement rate: *Provided further*, That the secretary of social and rehabilitation services shall not be authorized to change the reimbursement rate to extraordinary funding levels for reimbursement for individuals receiving services in a community setting in the state without complying with the proper procedures: *And provided further*, That any savings accrued from not making payments at the extraordinary funding levels pursuant to this subsection shall be used to provide additional developmental disability waiver services.”;

Also, on motion of Rep. Kleeb, **H. Sub. for SB 22** be amended on page 2 of the typed version of the bill, after line 13, by inserting the following:

“(d) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 for the legislative coordinating council, as authorized by 2009 Substitute for House Bill No. 2354 or by this or other appropriation act of the

2009 regular session of the legislature, expenditures shall be made by the legislative coordinating council for fiscal year 2010 to appoint a special committee on the cost effectiveness of governmental operations and programs: *Provided*, That, the special committee shall review and evaluate opportunities to outsource or privatize governmental operations and programs, including, but not limited to, the following: (1) What governmental operations and programs are available to be outsourced or privatized; (2) any cost savings to the state as a consequence of outsourcing or privatizing; (3) the impact, if any, on how governmental services would be provided if outsourced or privatized; and (4) possible methods of transitioning governmental services from the state agency to the private organization: *Provided further*, That, the special committee shall also review and evaluate governmental operations and programs that: (1) Compete with services provided by private organizations, or which duplicate services provided by private organizations; (2) duplicate services provided by the federal government; or (3) duplicate services provided by not-for-profit organizations where there could be cost savings to the state if the state were to award grants to such organizations in lieu of operating its own operations and programs: *Provided further*, That, the special committee shall review the procurement process for state agencies and the cost-effectiveness of such process: *Provided further*, That, the special committee shall conduct any other reviews, evaluations or studies as directed by the legislative coordinating council: *Provided further*, That, the special committee shall consider any audit conducted by the post auditor and the division of post audit pursuant to the legislative post audit act relevant to any of the reviews, evaluations or studies set forth in this subsection: *Provided further*, That, during the course of any reviews, evaluations or studies the special committee shall hold a public hearing for the purpose of receiving testimony from the public, the involved state agencies or programs, the officers and employees thereof and any other appropriate state officers and employees.”;

Also, on motion of Rep. Fund to amend **H. Sub. for SB 22**, the motion did not prevail.

Also, on motion of Rep. Knox to amend **H. Sub. for SB 22**, Rep. Goyle requested the question be divided. The question was divided.

Roll call was demanded on Part A of the motion of Rep. Knox to amend **H. Sub. for SB 22** on page 52, of the typed version of the bill, following line 1, by inserting the following:

“(bb) During the fiscal year ending June 30, 2010, notwithstanding the provisions of K.S.A. 2008 Supp. 76-731a, and amendments thereto, an individual defined in K.S.A. 2008 Supp. 76-731a, and amendments thereto, shall not be deemed to be a resident of Kansas for the purpose of tuition and fees for attendance at such postsecondary educational institution. During the fiscal year ending June 30, 2010, nothing in this subsection shall prohibit an individual from being determined to be a resident pursuant to K.S.A. 76-729, and amendments thereto, if such individual meets the statutory requirements of K.S.A. 76-729, and amendments thereto, concerning residency.”;

On roll call, the vote was: Yeas 50; Nays 67; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Fund, Gordon, Grange, Hayzlett, Hermanson, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Mast, McLeland, Merrick, Morrison, Myers, O’Brien, O’Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Tafanelli, Talia, Vickrey, Watkins, Whitham, B. Wolf, Yoder.

Nays: Ballard, Benlon, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Goyle, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, George, Hawk, Landwehr, Navinsky, Neufeld, Roth, Shultz. Part A of the motion of Rep. Knox did not prevail.

Also, on request of Rep. Knox, Parts B and C be withdrawn.

Also, on motion of Rep. Siegfried, **H. Sub. for SB 22** be amended on page 37, of the printed version of the bill, in line 15, by adding \$487,500 to the dollar amount and by adjusting the dollar amount in line 15 accordingly;

On page 40, of the printed version of the bill, in line 3, by subtracting \$487,500 from the dollar amount and by adjusting the dollar amount in line 3 accordingly;

On page 42, of the printed version of the bill, after line 11, by inserting the following:

“(v) In addition to the other purposes for which expenditures may be made by the above agency from the state operations account of the state general fund for fiscal year 2010, as authorized by 2009 Senate Substitute for House Bill No. 2354, expenditures shall be made by the above agency from the state operations account of the state general fund for fiscal year 2010 to make expenditures to contract with Kansas legal services for the purpose of providing legal representation and disability determination case management for adult cash assistance recipients.”;

Also, roll call was demanded on motion of Rep. A. Brown to amend **H. Sub. for SB 22** on page 68, of the typed version of the bill, by striking all in lines 2 through 23;

By striking all on pages 69 and 70, of the typed version of the bill;

On page 71, of the typed version of the bill, by striking all in lines 1 through 13;

On page 77, of the typed version of the bill, in line 10, by striking “\$103,912” and inserting “\$3,912”;

On page 78, of the typed version of the bill, in line 9, by striking “\$109,750” and inserting “\$9,750”;

On page 81, of the typed version of the bill, in line 14, by striking “\$280,000” and inserting “\$30,000”;

On page 82, of the typed version of the bill, in line 12, by striking “\$310,000” and inserting “\$60,000”;

On page 102, of the typed version of the bill, by striking all in lines 3 through 19;

On page 104, of the typed version of the bill, by striking all in lines 5 through 23;

By striking all on pages 105 and 106, of the typed version of the bill;

On page 107, of the typed version of the bill, by striking all in lines 1 through 16; in line 21, by striking “\$1,057,311” and inserting “\$257,311”;

On page 108, of the typed version of the bill, in line 23, by striking “\$1,401,165” and inserting “\$601,165”;

On page 109, of the typed version of the bill, by striking all in lines 6 through 22;

And by relettering subsections accordingly;

On page 111, of the typed version of the bill, in line 20, by striking “\$5,472,357” and inserting “\$472,357”;

On page 112, of the typed version of the bill, in line 20, by striking “\$5,970,318” and inserting “\$970,318”;

On page 113, of the typed version of the bill, by striking all in lines 3 through 23;

By striking all on pages 114 through 117, of the typed version of the bill;

On page 118, of the typed version of the bill, by striking all in lines 1 through 5;

And by renumbering the remaining sections accordingly;

On page 124, of the typed version of the bill, preceding line 13, by inserting the following:

“Sec. 92. (a) On the effective date of this act, of the amount of each appropriation or reappropriation for a state agency for the fiscal year ending June 30, 2010, made by 2009 Senate Substitute for House Bill No. 2354 or by this or other appropriation act of the 2009 regular session of the legislature from the state general fund, the sum equal to 0.4582% of such appropriation or reappropriation, which is not exempt, is hereby lapsed. The following are exempt from and shall not be reduced by such lapsing provision: (1) Any item of appropriation or reappropriation for debt service for payments pursuant to contractual bond obligations, and (2) any item of appropriation or reappropriation from the state general fund for fiscal year ending June 30, 2010, for the department of social and rehabilitation services, Kansas health policy authority, or the department on aging which are required to meet caseload obligations under the state medicaid plan including nursing facilities, general medical, targeted case management, mental health, community supports and services, or addiction and prevention services or for the department of social and rehabilitation services to meet caseload obligations for nursing facilities for mental health, general assistance, tem-

porary assistance for families, foster care and reintegration services contracts, adoption services contracts or caseloads associated with the home and community based services waivers for individuals with developmental disabilities and individuals with physical disabilities, as certified by the director of the budget to the director of accounts and reports for the purposes of this clause (2): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this clause (2), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.”;

On roll call, the vote was: Yeas 65; Nays 49; Present but not voting: 0; Absent or not voting: 11.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Grange, Grant, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Jack, Johnson, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Lukert, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Williams, K. Wolf, Yoder.

Nays: Ballard, Benlon, T. Brown, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Henderson, Henry, Kelley, King, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, Menghini, Neighbor, Pauls, Peterson, Phelps, Quigley, Rardin, Ruiz, Sawyer, Slatery, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Winn, B. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, George, Hawk, Huebert, Landwehr, Light, Navinsky, Neufeld, Pottorff, Roth, Shultz.

The motion of Rep. A. Brown prevailed.

Also, on motion of Rep. Schwartz, **H. Sub. for SB 22** be amended on page 146 of the typed version of the bill, after line 7, by inserting the following:

“Sec. 117. (a) Within 10 days after the effective date of this act, each state agency anticipating receipt of federal funds under the American recovery and reinvestment act of 2009, hereinafter referred to in this section as the “federal act,” shall report the following information to the director of the budget and the director of legislative research:

- (1) The amount of federal funding the state agency anticipates receiving under the federal act;
- (2) the date or dates when the state agency anticipates receipt of moneys under the federal act;
- (3) whether the anticipated federal funding is allocated through an existing or new federal program;
- (4) current levels of state funding for the state agency that is appropriated, requested or credited to and available in any fund or account appropriated for the state agency that would be impacted positively or negatively by the receipt of moneys under the federal act;
- (5) whether additional appropriation authority would be necessary to expend moneys received under the federal act;
- (6) whether any additional state employees are necessary to oversee or administer the moneys received under the federal act and, if so, how many full-time equivalent positions would be required;
- (7) any requirements under the federal act associated with spending any moneys received under the federal act, including, but not limited to, state matching or cost sharing requirements, percentage limitations and any time requirements regarding expenditure of such moneys;
- (8) the time or other conditions under which all or part of the funding ends under the federal act;
- (9) a plan detailing how the moneys received under the federal act will be expended and how the state agency will address the absence of such funding after it ends; and

(10) to the extent such information is made available to the state agency, the amount of moneys any units of local government or local educational agencies anticipate receiving under the federal act and the purpose for which such moneys are to be used.

(b) Each state agency shall review and evaluate whether the state agency is eligible for and would request funding under any provision of the federal act. If any state agency determines it is eligible and desires to receive funding under any provision of the federal act, such state agency shall notify the director of the budget and the director of legislative research, within 10 days after the effective date of this act, of such determination and shall provide the following information in conjunction with such notification:

- (1) The amount of moneys the state agency desires to receive under the federal act;
- (2) each of the titles and sections of the federal act under which the desired moneys are provided;
- (3) the requirements and deadline for applying for the desired funding under the federal act;
- (4) the requirements associated with the desired funding, including, but not limited to, spending limitations, state matching or cost sharing requirements, percentage limitations and any time requirements regarding expenditure of such funding;
- (5) when the funding provided under the federal act would end;
- (6) whether additional appropriation authority would be necessary to expend moneys received under the federal act;
- (7) whether any additional state employees are necessary to oversee or administer the moneys received under the federal act and, if so, how many full-time equivalent positions would be required;
- (8) the number of potential jobs created by the use of any moneys received under the federal act, including all rationales and supporting data justifying the state agency's estimate of the number of jobs to be created; and
- (9) a plan detailing how the funds received under the federal act will be expended and how the state agency will address the absence of funding after the funding provided under the federal act ends.

(c) Each state agency that applies for and receives or is approved to receive moneys under the federal act shall notify the director of the budget and the director of legislative research immediately of such receipt or approval and shall include such related information with such notification as may be requested by the director of the budget. Each such state agency expending moneys received under the federal act shall make such expenditures in accordance with the provisions of appropriation acts in compliance with the provisions of applicable state statutes.

(d) Within 30 days after the effective date of this act, the director of legislative research shall publish on the website for the legislative research department the following information received from state agencies: (1) The amount of moneys the state agency has received or is approved to receive under the federal act; (2) the dates when such moneys are received and when such funding would end, as the case may be; (3) a general description of the purpose for which the moneys are to be expended; and (4) to the extent such information is made available, the information required by paragraphs (1), (2) and (3) as they apply to units of local government or local educational agencies receiving moneys under the federal act. Such information shall be presented in a form whereby persons viewing the website can easily discern which agency has received or is approved to receive moneys under the federal act and purpose for which those moneys are to be used.

(e) Any individual employed by a state agency in connection with or as a result of funding received under the federal act shall be a temporary employee and such employment shall not continue beyond the expenditure of the moneys received under the federal act.

(f) The American recovery and reinvestment act advisory group that was established by the governor, hereinafter referred to in this section as the advisory group, shall review all state agency information submitted to the director of the budget under this section and shall submit a written report of its findings and non-binding recommendations to the governor, president of the senate, speaker of the house of representatives, vice-president of the senate, speaker pro tem of the house of representatives, majority leader of the senate, majority leader of the house of representatives, minority leader of the senate, minority leader of the

house of representatives, chairperson of the committee on ways and means of the senate, chairperson of the committee on appropriations of the house of representatives, director of the budget, and director of legislative research within 30 days after the effective date of the federal act. The findings and recommendations of the advisory group shall include:

(1) Which funds under the federal act the governor should request or approve state agency requests for, with priority given to funds that are allocated under the federal act for one-time projects or reducing the need for expenditures from the state general fund dollars in the fiscal years ending June 30, 2010, or June 30, 2011, without the need for future, ongoing state expenditures;

(2) potential impacts or savings to the state general fund which may result from the receipt of the recommended funds under the federal act;

(3) positive and negative impacts to state agency budgets for the fiscal years ending June 30, 2010, June 30, 2011, and June 30, 2012, if the recommended funding is requested and received under the federal act;

(4) whether state agencies have adequate appropriation authority for expenditure of the funds recommended to be requested and received under the federal act; and

(5) any other recommendations or information as the governor may request.

(g) Records containing information submitted by state agencies to the director of the budget and the recommendations and findings of the advisory group are public records and subject to the provisions of the open records act.

(h) Nothing in this section shall prohibit local governments, local educational agencies as defined in the federal act, or any eligible entity as determined under the federal act from seeking federal funding under the federal act.

(i) As used in this section, "state agency" means any state office or officer, department, board, commission, institution, bureau or any agency, division or unit within any office, department, board, commission or other state authority.";

Any by renumbering the remaining section accordingly;

Also, on motion of Rep. Kelley to amend **H. Sub. for SB 22**, the motion did not prevail.

Also, on further motion of Rep. Kelley to amend, the motion did not prevail.

Also, on motion of Rep. Schwab to amend **H. Sub. for SB 22**, the motion did not prevail;

Also, roll call was demanded on motion to recommend **H. Sub. for SB 22** favorably for passage.

On roll call, the vote was: Yeas 53; Nays 62; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Colloton, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Seiwert, Siegfried, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, Yoder.

Nays: Ballard, Benlon, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, Huntington, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Quigley, Rardin, Ruiz, Sawyer, Schwartz, Slatery, Sloan, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, George, Hawk, Landwehr, Navinsky, Neufeld, Pottorff, Roth, Shultz, Swanson.

The motion to recommend **H. Sub. for SB 22** favorably for passage did not prevail.

REPORTS OF STANDING COMMITTEES

Select Committee on KPERS recommends **HB 2400** be amended on page 3, in line 25, by striking "and" and inserting a comma; also in line 25, after "2008" by inserting "and 2009"; in line 27, by striking "2009" and inserting "2010";

On page 6, in line 24, by striking “2010” and inserting “2011”; in line 28, by striking “\$13,490,000” and inserting “\$18,410,000”;

On page 1, in the title, in line 12, by striking “2010” and inserting “2011”; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

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

Request No. 105, by Representative Crow, congratulating Patton Junior High School on their 50th Anniversary;

Request No. 106, by Representative Trimmer, congratulating Christian Hawkins on attaining the Eagle Scout Award;

Request No. 107, by Representative Trimmer, congratulating Stetson Deets on attaining the Eagle Scout Award;

Request No. 108, by Representative Trimmer, congratulating David Love on attaining the Eagle Scout Award;

Request No. 109, by Representative Trimmer, congratulating Kerry Love on attaining the Eagle Scout Award;

Request No. 110, by Representative Kiegerl, congratulating Louis and Edith Soetaert on their 65th Wedding Anniversary;

Request No. 111, by Representatives Davis and Ballard, congratulating Carldyne Conyers on her retirement from the SRS after 39 years of service;

Request No. 112, by Representative Mast, commending Matt Garbe on achieving the Eagle Scout Award;

Request No. 113, by Representative Seiwert, commending Budd Fountain for his 12 years of service on the Ark Valley Electric Board;

Request No. 114, by Representative Menghini, congratulating William J. Mitchelson on attaining the Eagle Scout Award;

Request No. 115, by Representative Fund, congratulating Marie Clement for being named Ms. Wheelchair Kansas 2009;

Request No. 116, by Representative Merrick, commending Captain George Acingier for thirty-two years of dedication to public safety;

Request No. 117, by Representative Bethell, commending Major Robert Livingston Ober for service to the United States of America and the State of Kansas;

Request No. 118, by Representative Schwartz, congratulating Leo and Eileen on their 60th Wedding Anniversary;

Request No. 119, by Representatives Ballard and Davis, congratulating Scott Harris, Head Coach of the Kansas University Debate Team for 18 years in recognition of winning the 2009 national Debate Tournament Championship;

Request No. 120, by Representatives Ballard and Davis, congratulating Sarah Topp, Kelly Winfrey and Athena Murray, coaches for the Kansas University Debate Team, on winning the 2009 National Debate Tournament;

Request No. 121, by Representatives Ballard and Davis, congratulating Brett Bicker and Nate Johnson, members of the Kansas University Debate Team on defeating National Champion Wake Forest to win the 2009 National Debate Tournament Championship;

Request No. 122, by Representative Bowers, congratulating Marjorie Martin on her 100th birthday;

Request No. 123, by Representative Feuerborn, congratulating Christopher Michael Garber on attaining the Eagle Scout Award;

Request No. 124, by Representative Moxley, congratulating Arlan and Sarahmae Swanson on their 50th Wedding Anniversary;

Request No. 125, by Representative Seiwert, congratulating Cindy Couchman on being named 2009 Kansas Teacher of the Year;

Request No. 126, by Representative Henderson, congratulating Jessica Croft on graduating from Sumner Academy;

Request No. 127, by Representative Bowers, commending Steven J. Steier for achieving the rank of Eagle Scout;

Request No. 128, by Representative Henderson, congratulating Nicholas T. Gaitan on graduating from Summer Academy;

Request No. 129, by Representative Henderson, congratulating Charvis Q. Johnson on graduating from Summer Academy;

Request No. 130, by Representative Henderson, congratulating Robert Graham on graduating from F. L. Schlagle;

Request No. 131, by Representative Henderson, congratulating Taylor D. Boykin on graduating from Shawnee Mission West High School;

Request No. 132, by Representative M. Holmes, congratulating St. John High School in recognition of winning the 1A 2009 Girls Kansas State Basketball and Volleyball Championships;

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. Merrick, the committee report was adopted.

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 311; SB 336**.

Announcing passage of **HB 2099**, as amended by **S. Sub. for HB 2099; HB 2195**, as amended.

The Senate adopts conference committee report on **S. Sub. for HB 2267**.

The Senate not adopts the conference committee report on **HB 2060**, requests a new conference committee be appointed and has appointed Senators Owens, D. Schmidt and Haley as third conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

Sub. SB 311; SB 336.

REPORT ON ENROLLED RESOLUTIONS

HR 6029 reported correctly enrolled and properly signed on May 1, 2009.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Monday, May 4, 2009.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

