

Journal of the House

FIFTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, May 4, 2010, 10:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 125 members present.
Rep. Fund was excused later in the day on verified illness.
Rep. Hawk was excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
In the Apostle Paul's letter
to the Corinthians,
we read words of encouragement to
"finish what you have started . . .
and not let those good intentions grow stale . . .
You've got what it takes to finish it up, so go to it.
Once the commitment is clear,
you do what you can, not what you can't.
The heart regulates the hands . . .
You are shoulder to shoulder . . . all the way,
Your surplus matching their deficit,
their surplus matching your deficit.
In the end you come out even.
As it is written,
'Nothing left over to the one with the most,
Nothing lacking to the one with the least.'"
(2Corinthians 8:11-15, *The Message*)
Although we recognize that
this session is almost over,
Help us to keep focused and to the task
of accomplishing what needs to be done.
In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Prescott.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2691**; **H. Sub. for SB 74**; **SB 520**, **SB 568**, **SB 581**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2691**, submits the following report:

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

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

JOHN VRATIL
CAROLYN MCGINN
LAURA KELLY
Conferees on part of Senate

JEFF WHITHAM
DON HINEMAN
TOM BURROUGHS
Conferees on part of House

On motion of Rep. Whitham, the conference committee report on **HB 2691** was adopted.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: George.

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, that House Rule 1704 be suspended for the purpose of allowing designated members to speak more than once on **H. Sub. for SB 572**.

Committee report recommending a substitute bill and committee report recommending amendments to **H. Sub. for SB 572** be adopted; also, roll call was demanded on motion of Rep. Siegfried to amend **H. Sub. for SB 572**, as amended by House Committee, on page 68, following line 32, by inserting the following:

“(t) (1) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 for the department administration, as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the secretary of administration for fiscal year 2011 to establish a state real property inventory of all state real property: *Provided*, That, on or before August 30, 2010, the secretary of administration, or the secretary’s designee, shall complete a state real property inventory of all state real property: *Provided further*, That the state real property inventory shall include the legal description of each tract of state real property: *And provided further*, That, on or before August 30, 2010, the secretary of administration shall provide a copy of the state real property inventory to the members of the legislative coordinating council, the house appropriations committee and the senate ways and means committee: *And provided further*, That, on or before November 30, 2010, the secretary of administration, or the secretary’s designee, shall (1) determine and compile a market value for each tract of state real property, including the insurance value of each tract of state real property,

the estimated value of each tract of state real property, or a suggested method of determining the value of each such tract of state real property, and (2) determine and verify the use or need of each tract of state real property to the state: *And provided further*, That, on or before November 30, 2010, the secretary of administration shall prepare and provide a copy of a report of the state real property valuation and the use or need of such state real property, to the governor-elect, the members of the legislative coordinating council, the house appropriations committee and the senate ways and means committee: *And provided further*, That, on or before January 15, 2011, the secretary of administration, or the secretary's designee, shall (1) evaluate the marketability of each such tract of state real property, (2) evaluate the use or need of each such tract of state real property to the state, (3) evaluate the cost-to-benefit ratio of the state maintaining ownership of each such tract of state real property, (4) determine whether liquidation of each such tract of state real property is in the best interest of the state, and (5) establish contract safeguards and transaction parameters for the sale of such state real property: *And provided further*, That, on or before January 15, 2011, the secretary of administration shall provide a copy of such evaluation and determination to the members of the legislative coordinating council, the house appropriations committee and the senate ways and means committee: *And provided further*, That, on or before January 31, 2011, the secretary of administration, or the secretary's designee, shall issue a request for proposal to liquidate all state real property which has been determined to be in the best interest of the state to sell: *And provided further*, That, on or before January 31, 2011, the secretary of administration shall provide a final report of all information required pursuant to this subsection to the members of the legislative coordinating council, the house appropriations committee and the senate ways and means committee.

(2) As used in this subsection, "state real property" includes each tract of real property owned by the state of Kansas, or any state agency, as defined by K.S.A. 75-3701, and amendments thereto, and includes all buildings, facilities and other improvements thereon.;

On roll call, the vote was: Yeas 79; Nays 44; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, S. Gatewood, George, Goico, Gordon, Coyle, Grange, Hayzlett, Hermanson, Hill, Hineman, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Lukert, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Spalding, Suellentrop, Swanson, Tafarielli, Talia, Vickrey, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, Grant, Hawk, Henderson, Henry, C. Holmes, Kuether, Lane, Light, Loganbill, Long, Mah, Meier, Menghini, Otto, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Schroeder, Sloan, D. Svaty, Swenson, Tietze, Trimmer, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Kiegerl, Pottorff.

The motion of Rep. Siegfried prevailed.

Also, rose and reported progress (see further action, afternoon session).

REPORTS OF STANDING COMMITTEES

Committee on **Local Government** recommends **SB 561** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 561," as follows:

"HOUSE Substitute for SENATE BILL No. 561

By Committee on Local Government

"AN ACT concerning cities; relating to annexation."; and the substitute bill be passed.

(**H. Sub. for SB 561** was thereupon introduced and read by title.)

On motion of Rep. Merrick, the House recessed until 1:30 p.m.

AFTERNOON SESSION

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

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 discussion resume on **H. Sub. for SB 572**; also, on motion of Rep. Powell to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Kiegerl to amend **H. Sub. for SB 572**, as amended by House Committee, on page 114, in line 13, by adding \$4,000,000 to the dollar amount and by adjusting the dollar amount in line 13 accordingly;

On page 116, in line 2, by subtracting \$8,000,000 from the dollar amount and by adjusting the dollar amount in line 2 accordingly; in line 5, preceding the period, by inserting “:Provided further, That the secretary of social and rehabilitation services shall make expenditures from this account or any other moneys appropriated for the above agency for the fiscal year ending June 30, 2011, from the state general fund or any special revenue fund or funds to renegotiate the current contract for provision of services to youth in custody of the state: And provided further, That the revised contract shall decrease expenditures from the youth services aid and assistance account for these services by at least \$8,000,000, for the fiscal year ending June 30, 2011: And provided further, That the current contract shall remain in effect until the renegotiated contract is entered into”; in line 22, by adding \$4,000,000 to the dollar amount and by adjusting the dollar amount in line 22 accordingly;

On roll call, the vote was: Yeas 41; Nays 72; Present but not voting: 0; Absent or not voting: 12.

Yeas: Bowers, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Finney, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Mast, McLeland, Morrison, Myers, O'Brien, Olson, Otto, Patton, Peck, Powell, Prescott, Rhoades, Schwab, Seiwert, Siegfried, Suellentrop, Vickrey.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Carlin, Colloton, Craft, Crow, Dillmore, Feuerborn, Flaharty, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henry, Hill, Hineman, M. Holmes, Johnson, King, Kleeb, Kuether, Lane, Light, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Meier, Moxley, Neighbor, Neufeld, O'Neal, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Schroeder, Schwartz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: A. Brown, Burroughs, Davis, Frownfelter, Fund, Henderson, Long, Menghini, Merrick, Peterson, Ruiz, Winn.

The motion of Rep. Kiegerl did not prevail.

Also, on motion of Rep. Otto to amend **H. Sub. for SB 572**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Kinzer to amend **H. Sub. for SB 572**, as amended by House Committee, on page 304, preceding line 35, by inserting the following:

“Sec. 174. (a) During the fiscal year ending June 30, 2011, 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 81; Nays 34; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, D. Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, D. Svaty, Swanson, Tafanelli, Talia, Trimmer, Vickrey, Wetta, Whitham, Williams, B. Wolf, Worley, Yoder.

Nays: Bollier, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Crow, Dillmore, Finney, Flaharty, Furtado, Garcia, Goyle, Hawk, Henderson, Hill, Johnson, Loganbill, McCray-Miller, Neighbor, Peterson, Pottorff, Quigley, Rardin, Ruiz, Slattery, Sloan, Spalding, Swenson, Ward, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: Davis, Fund, S. Gatewood, Gordon, Kuether, Lane, Mah, Menghini, Roth, Tietze.

The motion of Rep. Kinzer prevailed.

Also, roll call was demanded on further motion of Rep. Kinzer to amend **H. Sub. for SB 572**, as amended by House Committee, on page 161, in line 4, by adding \$400,000 to the dollar amount and by adjusting the dollar amount in line 4 accordingly; in line 28, by subtracting \$200,000 from the dollar amount and by adjusting the dollar amount in line 28 accordingly;

On page 168, in line 8, by subtracting \$200,000 from the dollar amount and by adjusting the dollar amount in line 8 accordingly; after line 34, by inserting the following:

“(1) During the fiscal year ending June 30, 2011, notwithstanding the provisions of K.S.A. 2009 Supp. 76-731a, and amendments thereto, an individual defined in K.S.A. 2009 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, 2011, 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 70; Present but not voting: 0; Absent or not voting: 5.

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

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

Present but not voting: None.

Absent or not voting: Bethell, Burroughs, Fund, Goico, Rhoades.

The motion of Rep. Kinzer did not prevail.

Also, roll call was demanded on motion of Rep. Mast to amend **H. Sub. for SB 572**, as amended by House Committee, on page 304, following line 34, by inserting the following:

“Sec. 174. No moneys appropriated to any state agency, as defined by K.S.A. 75-3701, and amendments thereto, shall be expended for the agreement between the American federation of state, county and municipal employees/child care providers together Kansas and

the state of Kansas departments of health and environment and social and rehabilitation services relating to registrants and licensees of family day care homes, licensed day care homes and group day care homes, and the working together by parties to the agreement on child care quality standards, provider training and professional development opportunities, rates for subsidized child care benefits, payment methods, health and safety conditions, monitoring and evaluation of providers, recruitment and retention of qualified providers and the overall quality of child care programs in this state, which agreement was entered into during February of 2009, nor shall any other funds of any agency of state government be utilized for such agreement. It is the intent of this section to invoke and exercise the "termination for fiscal necessity" clause of such agreement or that part or parts of the agreement which provide that the agreement is subject to appropriations, or both, and upon the enactment of this section into law such agreement shall be null and void.;"

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 47; Nays 70; Present but not voting: 0; Absent or not voting: 8.

Yeas: Bowers, A. Brown, Brunk, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Mast, McLeland, Morrison, Myers, Neufeld, O'Brien, Olson, Otto, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seivert, Siegfried, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattey, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bollier, Fund, George, Kleeb, Merrick, O'Neal, Shultz, Tafanelli.

The motion of Rep. Mast did not prevail.

Also, on motion of Rep. Kleeb, **H. Sub. for SB 572** be amended as amended by House Committee, on page 304, after line 34, by inserting the following:

"Sec. 174.

COUNCIL ON EFFICIENT GOVERNMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenses \$6,000

Provided, That all expenditures from the operating expenses account shall be for the operating expenses for the council on efficient government, which is hereby created: *Provided further*, That the council on efficient government shall consist of 11 members as follows: (1) One member, who shall be either the lieutenant governor or the chief executive of a state agency, who shall be appointed by the governor; (2) two members, who shall be engaged in private business and are not members of the legislature, appointed by the governor; (3) three members, who shall be engaged in private business and only one of whom may be a member of the legislature, appointed by the president of the senate; (4) three members, who shall be engaged in private business and only one of whom may be a member of the legislature, appointed by the speaker of the house of representatives; (5) one member, who shall be engaged in private business and who shall not be a member of the legislature, appointed by the minority leader of the senate; and (6) one member, who shall be engaged in private business and who shall not be a member of the legislature, appointed by the minority leader of the house of representatives: *And provided further*, That such members shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed to the council shall exercise any power, duty or function as a member of the council until confirmed by the senate: *And provided further*, That such members shall serve for a term of two years, and that the terms of members appointed pursuant to this

section shall expire on March 15, and that in the case of the member who is a state official, such member shall serve for a term of two years, or until such member ceases to hold public office, whichever occurs first: *And provided further*, That such members shall serve until a successor is appointed and confirmed, and that after the expiration of a member's term, or whenever a vacancy occurs a member shall be appointed as set forth in this section, and that in the event of a vacancy the appointment shall be for the remainder of the unexpired portion of the term, and that any member is eligible for reappointment for successive two-year terms: *And provided further*, That no such member shall appoint a designee to serve in such member's place on the council: *And provided further*, That the council shall annually elect a member as chairperson; and that the member appointed pursuant to paragraph (1) above, and any member who is a member of the legislature is not eligible to serve as chairperson: *And provided further*, That the council shall meet at least four times a year at the call of the chairperson, and that a quorum shall consist of a majority of the members of the council: *And provided further*, That such members attending council meetings shall be entitled to compensation and expenses as provided in K.S.A. 75- 3223, and amendments thereto: *And provided further*, That the council on efficient government shall: (1) Review and evaluate the possibility of outsourcing goods or services provided by a state agency to a private business or not-for-profit organization that is able to provide the same type of good or service and whether such action would result in cost savings to the state; (2) review and evaluate the possibility of outsourcing operations or functions of a state agency to a private business or not-for-profit organization that is able to more efficiently and cost-effectively perform such operation or function; (3) review and evaluate instances where a state agency is providing goods or services in competition with one or more private businesses to determine ways to eliminate such competition; (4) review and evaluate instances where a state agency is providing goods or services that replicate, duplicate or compete with one or more not-for-profit organizations or federal or local units of government; (5) make any requests it deems necessary to state agencies for an inventory of such agency's activities that may be outsourced, or that compete with, replicate or duplicate activities provided by private entities or federal or local units of government; (6) make recommendations to state agencies regarding the outsourcing of operations, functions and the provision of goods and services; (7) identify and distribute information regarding the best practices in outsourcing efforts to state agencies; (8) have the discretion to appoint advisory groups, provided, at least one member of the council is appointed to each such group; and (9) annually prepare and submit a report, which shall be submitted no later than January 15, to the governor, the committee on ways and means of the senate and the committee on appropriations of the house of representatives, and which shall contain details of the council's activities for the immediately preceding year and include the following: (A) Recommendations on methods of delivering government services that would improve the efficiency, effectiveness and delivery of government services; (B) outsourcing efforts of state agencies; and (C) information on all outsourcing contracts entered into the preceding year, including, the dollar value of each outsourcing contract, descriptions of performance results, any breach of contract or inadequate performance, and the status of extensions, renewals and amendments of outsourcing contracts.”;

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Schroeder to amend **H. Sub. for SB 572**, the motion did not prevail.

Also, on motion of Rep. Olson to amend, the motion did not prevail. Also, on motion of Rep. Schwartz to amend, the motion did not prevail.

Also, rose and reported progress.

On motion of Rep. Merrick, the House recessed until 5:00 p.m.

EARLY EVENING SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2749, An act concerning challenging the constitutionality of a legislative action or enactment by legislators; amending K.S.A. 2009 Supp. 46-233 and repealing the existing section, by Committee on Federal and State Affairs.

MESSAGE FROM THE SENATE

Announcing passage of **SB 586**.

The Senate adopts conference committee report on **HB 2454**.

The Senate adopts conference committee report on **S. Sub. for HB 2582**.

The Senate adopts conference committee report to agree to disagree on **H. Sub. for SB 306**, and has appointed Senators Brungardt, Reitz and Faust-Goudeau as second conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 586.

On motion of Rep. Merrick, the House recessed until 7:30 p.m.

EVENING SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6047—

By Representatives Grange, Burroughs, Mah, Mast and Peck

A RESOLUTION commending Barb Hinton for her outstanding work as Legislative Post Auditor for the State of Kansas and congratulating her on her future endeavors.

WHEREAS, Barb Hinton began her career in the Legislative Division of Post Audit in 1977 as an editor, working her way up as an audit supervisor, audit manager and Deputy Post Auditor, until 1991, when she was named Legislative Post Auditor by the Legislative Post Audit Committee. She holds a Bachelor of Arts degree in English and Master of Science degree in Journalism from the University of Kansas; and

WHEREAS, During her tenure as Legislative Post Auditor, Barb has received numerous awards for her outstanding performance and leadership, including the David M. Walker Excellence in Government Performance and Accountability Award, presented by the National Intergovernmental Audit Forum. She also received the William R. Snodgrass Distinguished Leadership Award, presented by the National State Auditors Association and the Mike Harder Public Administrator of the Year Award, presented by the Kansas chapter of the American Society for Public Administration. Her division has also received awards, including twice winning the Excellence in Evaluation Award from the National Legislative Program Evaluation Society, and winning numerous National Legislative Program Evaluation Society's Certificate of Recognition of Impact Awards; and

WHEREAS, In addition to her duties as Legislative Post Auditor, Barb's record of service to professional organizations has done much to advance the field of auditing. She is Chair of the Mid-America Intergovernmental Audit Forum and serves as an Executive Committee Member for the National Association of State Auditors, Comptrollers and Treasurers. In the past she has served as President of the National State Auditors Association, as an Executive Committee Member for the National Legislative Program Evaluation Society and as a member of the GAO's Governmental Auditing Standards Advisory Council. She has also worked as a professional consultant, peer reviewer or concurring reviewer for a number of states; and

WHEREAS, Barb's leadership has helped the State of Kansas make the most of its limited resources. She has implemented advanced and sophisticated techniques in her analysis of programs or operations that have saved millions of dollars for the state. By identifying areas where state programs could operate more efficiently and more effectively, and by boiling complex issues down to focused and concise reports, Barb's Legislative Post Audit Division has proven to be an essential component to the government of Kansas; and

WHEREAS, Barb has always been known for her integrity, dedication, professionalism and the streamlined organization of her division. She is well-respected by both fellow agency heads in Kansas and her audit peers in other states. She is well-loved by her co-workers and will be missed as she leaves in June, to begin her new position as Deputy Director for Performance Audits for the Washington State Auditor's Office: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we commend Barb Hinton for her outstanding performance as Legislative Post Auditor and congratulate her as she enters the next phase in her career. We extend our best wishes for her continued success and happiness in the future; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send five enrolled copies of this resolution to Representative Grange, to be given to Barb and her family.

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 discussion resume on **H. Sub. for SB 572**; also, roll call was demanded on motion of Rep. Kleeb to amend as amended by House Committee of the Whole on motion of Representative Siegfried, on page 68, in subsection (t)(1), in the 14th line of such subsection (t)(1), after "insurance value of each tract of state real property," by inserting "if insured, "; in the 15th line of such subsection (t)(1), after "estimated" by inserting "market"; in the 16th line of such subsection (t)(1), by striking "use or need" and inserting "current use"; in the 19th line of such subsection (t)(1), before "governor-elect" by inserting "governor, "; in the 21st line of such subsection (t)(1), after "*And provided further,*" by inserting "That on or before November 30, 2010, a legislative state property evaluation committee shall be established: *And provided further,* That the members of the legislative state property evaluation committee shall include the governor, or the governor's designee, the governor-elect, or the governor-elect's designee, the president of the senate, or the president's designee, the speaker of the house, or the speaker's designee, the minority leader of the house, or such leader's designee, the minority leader of the senate, or such leader's designee, the chairperson of the house appropriations committee, or such chairperson's designee, the chairperson of the senate ways and means committee, or such chairperson's designee, the chairperson of the house assessment and taxation committee, or such chairperson's designee, the chairperson of the senate taxation committee, or such chairperson's designee, the chairperson of the senate commerce committee, or such chairperson's designee, and the chairperson of the house commerce and labor committee, or such chairperson's designee: *And provided further,*"; in the 25th line of such subsection (t)(1), after "liquidation" by inserting ", privatization, or leveraging"; in the 26th line of such subsection (t)(1), by striking "and (5)" and inserting "(5)"; in the 27th line of such subsection (t)(1), after "such state real property" by inserting ", and (6) compile a prioritized list of such state real property which could be sold or liquidated in an amount equal to or greater than \$175,000,000 in transaction value: *And provided further,* That the secretary of administration shall consult with the legislative state property evaluation committee prior to making any evaluation or determination due on or before January 15, 2011"; in the 30th line of such subsection (t)(1), after "committee" by inserting "and the legislative state property evaluation committee"; in the 36th line of such subsection (t)(1), after "coordinating council," by inserting "the legislative state property evaluation committee,";

On roll call, the vote was: Yeas 56; Nays 64; Present but not voting: 0; Absent or not voting: 5.

Yeas: Bollier, Bowers, A. Brown, Brunk, Carlson, Colloton, Craft, Crum, DeGraaf, Faber, S. Gatewood, George, Goico, Gordon, Grange, Hayzlett, Hermanson, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Rhoades, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Spalding, Suellentrop, Talia, Vickrey, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Brookens, T. Brown, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Johnson, King, Kuether, Lane, Light, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Otto, Palmer, Pauls, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Slattery, Sloan, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Fund, Hawk, Long, Peterson, Whitham.

The motion of Rep. Kleeb did not prevail.

Also, on motion of Rep. O'Neal, **H. Sub. for SB 572** be amended as amended by House Committee, on page 15, preceding line 40, by inserting the following:

"Sec. 45.

LEGISLATURE

(a) On and after the effective date of this act, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto, or any other statute, no expenditures shall be made from any moneys appropriated for the legislature for the fiscal year ending June 30, 2010, by chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by any other appropriation act of the 2010 regular session of the legislature from the state general fund for the purposes of paying the members of the legislature compensation for two days when the senate and house of representatives were in session during the period from April 28, 2010, through May 28, 2010: *Provided further*, That, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto, no amount shall be payable to members of the legislature for compensation for such two days when the senate and house of representatives were in session during the period from April 28, 2010, through May 28, 2010, under K.S.A. 46-137a, and amendments thereto.";

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Patton to amend **H. Sub. for SB 572**, the motion did not prevail. Also, on further motion of Rep. Patton to amend, the motion did not prevail.

Also, roll call was demanded on motion to recommend **H. Sub. for SB 572** favorably for passage.

On roll call, the vote was: Yeas 45; Nays 74; Present but not voting: 1; Absent or not voting: 5.

Yeas: Aurand, A. Brown, Brunk, Carlson, Craft, Crum, DeGraaf, Faber, Goico, Hayzlett, C. Holmes, M. Holmes, Huebert, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Suellentrop, Tafanelli, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Colloton, Crow, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Gordon, Goyle, Grange, Grant, Henderson, Henry, Hermanson, Hill, Hineman, Horst, Jack, Kuether, Lane, Light, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Schwartz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: Neufeld.

Absent or not voting: Carlin, Fund, Hawk, Long, Peterson.

The motion to recommend **H. Sub. for SB 572** favorably for passage did not prevail.

REPORT ON ENROLLED BILLS

HB 2668 reported correctly enrolled, properly signed and presented to the governor on May 4, 2010.

REPORT ON ENROLLED RESOLUTIONS

HR 6038, HB 6041 reported correctly enrolled and properly signed on May 4, 2010.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Wednesday, May 5, 2010.

SUSAN W. KANNARR, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

