

Approved: February 26, 2009
Date

MINUTES OF THE HOUSE GOVERNMENT EFFICIENCY AND FISCAL OVERSIGHT
COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 3:30 p.m. on February 17, 2009, in Room 535-N of the Capitol.

All members were present.

Committee staff present:

Renae Jefferies, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Hank Avila, Kansas Legislative Research Department
Mary Galligan, Kansas Legislative Research Department
Gary Deeter, Committee Assistant

Conferees appearing before the committee:

None

Others attending:

See attached list.

By motion of Representative Vickrey, second from Representative Ruiz, and vote by the Committee the minutes for February 10 and February 12 were approved.

The Chairman transferred the gavel to the Vice-Chair, Representative Burgess, who suggested the Committee consider **HB 2249** - Amendments to the Kansas whistleblower act. The Vice-Chair explained that two balloon amendments were being presented, one from Gavin Young, Kansas Department of Administration (Attachment 1), and the other by Brent Haden, Chief of Staff, Speaker's Office (Attachment 2). Staff Renae Jefferies commented on the proposed changes in the Young amendment, noting that the primary changes dealt with the term *threaten* running throughout the bill and the concept of a *rebuttable presumption* (page 6, line 3) extending back a year. Mr. Haden commented that the *threaten* language needs to be included in the bill. Patrick Hurley, Chief Counsel, Kansas Department of Administration, stated that the concept of threat is already contained in the wording of the extant statute and that the term is undefined in the bill, a fact which leaves too much latitude for interpretation. Members discussed the merits and problems connected with both proposed amendments. Jane Carter, Executive Director, Kansas Organization of State Employees, observed that the bill as introduced will offer more protection for state employees; she suggested adding financial incentives for employees whose suggestions bring about efficiencies.

A motion was made by Representative Roth, seconded by Representative Spalding, to accept the Young balloon form of the bill. The motion passed.

Representative Neufeld made a motion, seconded by Representative Loganbill, to amend the bill further by inserting the threat language back into the bill. The motion passed. Representative Roth was recorded as voting against the motion.

CONTINUATION SHEET

Minutes of the House Government Efficiency And Fiscal Oversight Committee at 3:30 p.m. on February 17, 2009, in Room 535-N of the Capitol.

Representative Sloan, noting that the term *threaten* is not defined, made a motion to include the following as a definition of *threat*: “a statement or actions outside the normal employee counseling and job review process that convey possible dismissal, transfer, or other punishment for providing information the person believes to be accurate to a member of the legislature, the Attorney General, or any auditing agency.” Representative Neufeld seconded the motion, which passed.

A motion was made by Representative Loganbill, seconded by Representative Ruiz, to recommend the bill as favorable for passage as amended. The motion passed. Representative Roth was recorded as voting no.

The Vice-Chair brought forward **HB 2320** (State finance, state budget stabilization reserve fund in state treasury) for the Committee’s consideration. Revisor Jim Wilson distributed a draft substitute for the bill (Attachment 3). The Vice-Chair referenced Attachment 4 to explain some of the proposed changes to the original bill, commenting that no more than 50% of the fund could be transferred out at one time and that the Governor could not include the Stabilization Fund in preparing the next fiscal year’s budget. Members discussed the difference between the statutory 7.5% ending balance and the bill’s reference to the possible amount available above the April consensus estimates. Members expressed concern regarding possible cash flow problems created by the bill. Mr. Wilson, responding to a question, said that the two-thirds vote in the substitute bill could not be accomplished without a constitutional amendment. To another question he said that the fund would be capped when it reached 20% of the State General Fund.

A motion was made by Representative Neufeld, seconded by Representative Morrison, to amend the substitute bill to change the 20% to relate to the previous fiscal year’s authorized expenditures. The motion passed 7-5.

A motion was made by Representative Neufeld, seconded by Representative Landwehr, to recommend the substitute bill to be favorable for passage as amended. The motion passed 7-5. Representatives Loganbill, Ruiz, Trimmer, and Henderson were recorded as voting against the motion.

The Vice-Chair suggested the Committee consider **HB 2222** - State agencies; collections of fee, licenses, taxes, surcharges, discounts. Staff Daniel Yoza distributed a balloon amendment clarifying the language (Attachment 5). Jim Hollingsworth, Executive Director, Information Network of Kansas, thanked the Committee for the clarification and suggested that the amended language “. . .between different types of payment methods” be changed to “. . .between different processing methods.” A motion was made, seconded, and passed to adopt the balloon with the proposed changes in wording. (Motion by Representative Neufeld, seconded by Representative Morrison)

A motion was made by Representative Morrison, seconded by Representative Neufeld, to recommend the bill as amended to be favorable for passage. The motion carried.

The meeting was adjourned at 4:58 p.m. No further meeting was scheduled.