

Journal of the House

FOURTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 1, 2008, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.
The roll was called with 118 members present.
Reps. Donohoe, Johnson and Kuether were excused on verified illness.
Reps. Hill, Landwehr, O'Neal and Powers were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord,
As we see a lot of red, we are reminded of matters relating to the heart and think of the Scripture, "Do not let your hearts be troubled. Trust in God; trust also in me." (John 14:1) We know that hearts can be broken emotionally, physically and spiritually. Even though we recognize that you are the Great Healer, as leaders, help us to mindful in establishing policies that protect hearts from being broken emotionally by abuse, to encourage people of good healthy habits to prevent broken hearts physically, and may we never do anything that would cause one to stumble and have their heart broken spiritually. In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Masterson

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2734, An act concerning school districts; relating to school finance; relating to consolidation; amending K.S.A. 2007 Supp. 72-6445a and repealing the existing section, by Representative Aurand.

HB 2735, An act concerning the state corporation commission; relating to transfers to the abandoned oil and gas well fund; amending K.S.A. 2007 Supp. 55-193 and repealing the existing section, by Agriculture and Natural Resources Budget Committee.

HB 2736, An act concerning abortion; providing civil remedies, including injunctive relief; amending K.S.A. 65-445, 65-2836, 65-6703, 65-6704, 65-6705, 65-6709 and 65-6710 and repealing the existing sections; also repealing K.S.A. 65-6713, by Representatives Kinzer, Beamer, Brown, Brunk, Burgess, Colyer, Crum, Dahl, Faber, George, Goico, Grange, Henry, Hodge, M. Holmes, Huebert, Kelley, Kelsey, Kiegerl, Knox, Landwehr, Mast, Masterson, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, O'Neal, Olson, Otto, Pauls, Peck, Powers,.

HB 2737, An act increasing the rate of taxation imposed upon cigarettes and tobacco products; creating the health reform fund; depositing money into; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2007 Supp. 79-3310, 79-3310c, 79-3311 and 79-3312 and repealing the existing sections, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Elections and Governmental Organization: **HB 2719, HB 2724.**
 Federal and State Affairs: **HB 2728.**
 Government Efficiency and Technology: **HB 2730.**
 Health and Human Services: **HB 2721.**
 Judiciary: **HB 2723, HB 2726, HB 2727, HB 2731, HB 2732, HB 2733.**
 Taxation: **HB 2722, HB 2729.**
 Transportation: **HB 2720, HB 2725.**

CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **HB 2497** from Committee on Commerce and Labor and referral to Committee on Appropriations.

COMMUNICATIONS FROM STATE OFFICERS

From Jim Garner, Secretary, Kansas Department of Labor, 2007 Kansas Department of Labor Division of Workers Compensation Annual Statistical Report.

From Judge Frank J. Yeoman, Jr., Chairperson, Kansas Guardianship Program, pursuant to K.S.A. 74-9601 et seq., as amended, 2007 Annual Report.

From Thomas E. Wright, Chairman, Utilities Division, Kansas Corporation Commission, pursuant to K.S.A. 66-771b, Annual Report to the 2008 Kansas Legislature. Report is also available online at http://ks.gov/08_legis_rpt.pdf.

From Professor Tom Stacy, Chairman, Kansas Criminal Code Recodification Commission, pursuant to K.S.A. 21-4801, 2007 Interim Report to the Kansas Legislature.

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

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 209; SB 379, SB 410, SB 417, SB 425, SB 447.**

Announcing adoption of **SCR 1616.**

Announcing passage of **HB 2491, HB 2587.**

Announcing passage of **HB 2186**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 209; SB 379, SB 410, SB 417, SB 425, SB 447; SCR 1616.

CONSENT CALENDAR

No objection was made to **HB 2683** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2622** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2071, An act relating to highways; designating certain memorial highways, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 10; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Faber, Faust-Goudeau, Feuerborn, Frownfelter, Fund, Garcia, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Lane, Light, Loganbill, Long, Lukert, Mast, Masterson, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Carlin, Dillmore, Flaharty, Flora, Gatewood, Mah, McCray-Miller, Peterson, Ruiz, Storm.

Present but not voting: None.

Absent or not voting: Brown, Donohoe, Hill, Johnson, Kuether, Landwehr, O'Neal, Powers.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: War on terrorism is a policy statement rather than a single act of war. We shouldn't be placing policy statements as designated names on any state properties.

I have tremendous respect for brave men and women who serve our great country and would be honored to recognize them with a designation that is more specific to actions of war as result of attacks of September 11, 2001. The mention of terrorism gives recognition to terrorists rather than brave defenders of freedom. Thank you to the United States veterans of all wars and conflicts. I vote no on **HB 2071**.—DOUG GATEWOOD, NILE DILLMORE, GERALDINE FLAHARTY, SYDNEY CARLIN

HB 2641, An act concerning income taxation; relating to property taxes paid by certain taxpayers; amending K.S.A. 2007 Supp. 79-32,117 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Hill, Johnson, Kuether, Landwehr, O'Neal, Powers.

The bill passed.

REPORTS OF STANDING COMMITTEES

SB 49, appearing in the Calendar under the order of business, General Orders, was reported in error on January 30 as Be Passed. Following is the correct report.

Committee on **Energy and Utilities** recommends **SB 49** be amended on page 1, in line 14, by striking "2006" and inserting "2007"; by striking all in line 21; in line 22, by striking "amendments thereto" and inserting " , to the extent not prohibited by federal law, every provider of interconnected VoIP service, as defined by 47 C.F.R. 9.3 (October 1, 2005)"; in line 25, by striking "VoIP provider" and inserting "provider of interconnected VoIP service";

On page 2, in line 38, by striking "2006" and inserting "2007";

In the title, in line 10, by striking "2006" and inserting "2007"; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2637** be passed.

REPORT OF STANDING COMMITTEE

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

Request No. 32, by Representative Morrison, congratulating Gerald "Curtis" Fulwider II on attaining the rank of Eagle Scout;

Request No. 33, by Representative McKinney, commending Lois Morehead on her competence, resourcefulness, and heroism on May 4, 2007, the night an F-5 tornado devastated Greensburg, KS;

Request No. 34, by Representative Wilk, congratulating Jerry Reilly for being named the Leavenworth-Lansing Chamber of Commerce Citizen of the Year;

Request No. 35, by Representative Wilk, congratulating George Cooper and Bo Himpel for being named Tonganoxie Citizens of the Year;

Request No. 36, by Representative Hawk, congratulating the K-State Federal Credit Union employees: LaRae Kraemer, Robert Reeves, Stacy Shaffer, Elaine Dhuyvetter, Megan Kilgore, and Julie Brummett; and the Theodore Roosevelt Elementary staff: Mary Stamey, Alan Gomez, Dominique Stone, Piper Fowler, Justin Kemnitz, Christ Martin, and Brittany Havenstein for participation in the "Save @ School" Program and for receiving the National Desjardins Youth Financial Education Award;

Request No. 37, by Representative George, congratulating the Pick Chiropractic Basketball team: Eric Snyder, Todd Durler, Christopher Llamas, Adam Dark, Austin Lacy, Dillon Burkhard and Paul Acevedo, and Coach Dr. Jason Joy, for receiving the Youth Sports STAR Award;

Request No. 38, by Representative George, congratulating Hannah Love in recognition of being elected the Kansas University Student Body President for the 2007-2008 School Year;

Request No. 39, by Representatives Otto and Knox honoring the memory of Bill Linde for his service to the nation in the military, to the people of Woodson County as Commissioner and to the people of Kansas in the Silver Haired Legislature;

Request No. 40, by Representatives Otto and Menghini commending Brandon Clark for his heroism in subduing and apprehending a wanted felon from Missouri when said felon attempted to rob his Wal-Mart store;

Request No. 41, by Representative Schwartz, congratulating Gene and Malvery Lott on their 50th wedding anniversary;

Request No. 42, by Representative Carlson, congratulating Paula Serb on being named an Honor Star;

Request No. 43, by Representative Vickrey, congratulating Lynsey A. Randolph and Amber L. Whitney on being named to the 2007 fall semester Washburn President's Honor Roll;

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.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2738, An act concerning taxation; relating to electronic filing of returns and reports; amending K.S.A. 79-3220 and K.S.A. 2007 Supp. 75-5151 and repealing the existing sections, by Committee on Taxation.

HB 2739, An act concerning sales taxation; relating to exemptions; machinery, equipment and materials used for research and development; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2740, An act concerning corrections; relating to training for corrections officer; amending K.S.A. 75-5212 and repealing the existing section, by Committee on Appropriations.

HB 2741, An act concerning county treasurers; amending K.S.A. 19-501 and repealing the existing section, by Committee on Elections and Governmental Organization.

HB 2742, An act concerning crimes and criminal punishment; amending K.S.A. 21-4201 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2743, An act concerning insurance; relating to sharing of certain records and maintaining confidentiality thereof; relating to termination of agents; relating to maintenance and availability of such records; relating to disclosures and records under the viatical settlement act; amending K.S.A. 2007 Supp. 40-5001 and repealing the existing section; also repealing K.S.A. 2007 Supp. 40-5007, by Committee on Insurance and Financial Institutions.

HB 2744, An act concerning provision of architectural, engineering and land surveying services for certain projects for state agencies; fees; amending K.S.A. 75-1250, 75-1252, 75-1254, 75-1257, 75-1258, 75-1259, 75-1260, 75-1261, 75-1263, 75-1265, 75-1267, 75-1268 and 75-3784 and K.S.A. 2007 Supp. 75-1251, 75-1253, 75-1262, 75-1264 and 75-1269 and repealing the existing sections, by Joint Committee on State Building Construction.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6008—

By Representatives Ward, Crow, Faust-Goudeau, Garcia, Henry, McKinney and Sawyer

A RESOLUTION urging the Congress of the United States to expedite citizenship for immigrants who serve honorably in the United States Armed Forces.

WHEREAS, In times of war, immigrants have the same obligations to defend this country as native-born citizens; and

WHEREAS, Lawful permanent residents and naturalized citizens are equally subject to the draft; and

WHEREAS, Immigrants, like native citizens, have expressed their loyalty to this country by serving voluntarily in the United States Armed Forces; and

WHEREAS, Historically, immigrants have made remarkable contributions to our nation's military strength through their knowledge, energy and courageous actions; and

WHEREAS, Over 62,000 immigrants serve on active duty in today's all-volunteer military, comprising 4.8 percent of all enlisted personnel on active duty in the United States Armed Forces; and

WHEREAS, Of the millions who have served in the United States Armed Forces, only a few thousand have received the Medal of Honor; however, more than 20 percent of the total number of Medal of Honor recipients, 715 out of 3,405 are immigrants; and

WHEREAS, In 2002, President Bush signed Executive Order 13269 which makes those persons serving honorably in active-duty status in the United States Armed Forces eligible for certain statutory exceptions to the naturalization requirements, however the Congress has yet to pass any legislation to designate a time frame for expedited citizenship applications: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the Congress of the United States to recognize the contribution made by immigrants who have expressed their loyalty to this country by expediting citizenship for those immigrants who serve honorably in the United States Armed Forces; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas Congressional Delegation.

HOUSE RESOLUTION No. 6009—

By Representatives Ward, Davis, Dillmore and Henry

A RESOLUTION urging the Congress of the United States to control the borders, prevent illegal immigration and alleviate the logistical and financial burden currently resting on states and private businesses.

WHEREAS, Currently, 1.6 million legal and illegal immigrants arrive in the United States each year and only 350,000 immigrants leave each year, resulting in net immigration of 1.25 million legal and illegal immigrants in the United States each year; and

WHEREAS, Recent government and academic estimates indicate there are between 10 million and 13 million illegal immigrants currently living in the United States, with nearly 90,000 residing in the state of Kansas; and

WHEREAS, The federal government's E-verify, the free system that allows employers to confirm the legal working status of employees, is not mandatory for all employers; and

WHEREAS, Federal law requires states to provide free emergency medical care for the poor, as well as free K-12 education to all children, regardless of immigration status; and

WHEREAS, Twice in the last two years, efforts by Congress to overhaul the nation's immigration laws have failed, leaving the burden on states to provide solutions for the myriad problems arising from illegal immigration; and

WHEREAS, Many states have attempted to address the problem of illegal immigration, which has resulted in a patchwork of laws that are difficult for citizens to comply with and typically shift the burden to surrounding states; and

WHEREAS, Enforcement of federal immigration laws is a federal responsibility and should remain so; and

WHEREAS, The burden of incarcerating unauthorized immigrants who have committed crimes, been convicted and are serving time in state and local jails should be fully borne by the federal government; and

WHEREAS, The federal government should ensure that state and local governments have a reliable, guaranteed funding source to manage the fiscal impacts of providing health, education and social services to immigrant populations, including temporary and guest workers: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the Congress of the United States to control the borders and address the burden placed on states by immigrants accessing health care, public education and other social services, by expediting the E-verify system and appropriating sufficient funds to enforce current laws that return illegal immigrants to their country of origin; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas Congressional Delegation.

REPORT ON ENGROSSED BILLS

HB 2071 reported correctly engrossed January 31, 2008.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, February 4, 2008.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

