

# Journal of the House

THIRTY-SEVENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, March 6, 2008, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.  
The roll was called with 117 members present.  
Reps. Crow and Judy Morrison were excused on verified illness.  
Reps. C. Holmes, Merrick and Powell were excused on legislative business.  
Reps. Bethell and Wetta were excused on excused absence by the Speaker.  
Rep. Hodge was absent.

Prayer by Chaplain Brubaker:

Dear Lord our God,

We come to you today with much on our minds. Guide our dialogue as we work together for a peaceful understanding and design where family values and human life are esteemed. Help us to make decisions that will not make things difficult for our people by placing yokes of burden upon their shoulders, but will encourage them and make them stronger responsible citizens of this state. May we today, Lord, commit to you our own ways and thoughts and ask that you mold them into Your will and purpose for this great state.

I pray for Representative Wetta and his family at the passing of his father. Please bring comfort to this family and may they sense your presence in this time of loss. In Jesus' Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Tietze.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2953**, An act concerning sales taxation; relating to exemptions; arts organizations; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to committees as indicated:

Agriculture and Natural Resources: **HCR 5034**.

Appropriations: **HB 2950**, **HB 2951**.

Commerce and Labor: **HB 2952**.

Transportation: **HCR 5033**.

## CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **HB 2747** from Committee on Federal and State Affairs and rereferral to Committee on Elections and Governmental Organization.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2919.** An act relating to citizens' utility ratepayers board; concerning negotiation for contracts for professional services by a negotiating committee, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 0; Present but not voting: 0; Absent or not voting: 10.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Crow, Hodge, C. Holmes, Merrick, Judy Morrison, Powell, Watkins, Wetta, Yoder.

The bill passed.

**MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **HB 2071**, An act relating to highways; designating certain memorial highways.

On roll call, the vote was: Yeas 115; Nays 0; Present but not voting: 0; Absent or not voting: 10.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Crow, Hodge, C. Holmes, Merrick, Judy Morrison, Powell, Watkins, Wetta, Yoder.

On motion of Rep. Vickrey, the House resolved into Committee of the Whole, with Rep. Henry in the chair.

**COMMITTEE OF THE WHOLE**

On motion of Rep. Henry, Committee of the Whole report, as follows, was adopted: Recommended that committee reports to **HCR 5028** be adopted; also, on motion of Rep. Moxley be amended, as further amended by House Committee, on page 2, in line 40, by striking "Chief Clerk of the House of Repre-"; in line 41, by striking "sentatives" and inserting "Secretary of State be directed to"; and the resolution be adopted as amended.

Committee report to **SB 267** be adopted; also, on motion of Rep. Otto to amend, Rep. Knox requested the question be divided. The question was divided.

Part A of the motion of Rep. Otto did not prevail.

Also, Part B of the of the motion of Rep. Otto did not prevail, and **SB 267** be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2673** be passed.

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 and concurrent resolutions were thereupon introduced and read by title:

**HB 2954**, An act concerning taxation; relating to employment of unauthorized aliens; credits, deductions and exemptions, forfeiture thereof; duties of department of revenue, by Committee on Taxation.

**HB 2955**, An act concerning certain financial transactions; pertaining to reopening of closed accounts; pertaining to liability for unauthorized charges on credit cards issued by financial institutions; amending K.S.A. 16-842 and repealing the existing section, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. 5035—

By Committee on Taxation

A CONCURRENT RESOLUTION urging the Congress of the United States to pass legislation that provides for the forfeiture of tax credits, deductions and exemptions for employers that employ unauthorized aliens.

WHEREAS, Recent government and academic estimates indicate that there are between 10 million and 13 million unauthorized aliens currently living in the United States; and

WHEREAS, States have been left with the burden of providing solutions for the myriad of problems arising from the presence of such large numbers of unauthorized aliens; and

WHEREAS, States expend billions of dollars on the provision of health, education and social services to immigrants, including unauthorized aliens, as well as expenditures related to the many law enforcement issues raised by the influx of unauthorized aliens; and

WHEREAS, Many employers benefit from the utilization of immigrants, including unauthorized aliens, in their business operation through inexpensive labor costs of employment of such individuals; and

WHEREAS, Employers are allowed or granted over three billion dollars in tax credits, deductions and exemptions under Kansas law, and countless billions across all 50 states; and

WHEREAS, The connection between employers adhering to state and federal law with regard to the employment of unauthorized aliens and the privilege of benefiting from income tax credits and deductions and sales, property and severance tax exemptions and exemptions from any other tax imposed by law is entirely appropriate and the loss of these tax advantages under circumstances in which employers have violated the law in this critical area would serve as a viable, effective and reasonable solution to this problem: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we urge the Congress of the United States to pass legislation that provides for the forfeiture of tax credits, deductions and exemptions for employers that employ unauthorized aliens; and

*Be it further resolved:* That the Secretary of State provide enrolled copies of this concurrent 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 each member of the Kansas Congressional Delegation.

## HOUSE CONCURRENT RESOLUTION No. 5036—

By Committee on Taxation

A CONCURRENT RESOLUTION urging the United States Congress to adopt an amendment to the Constitution of the United States regarding the citizenship status of children born to parents neither of whom are citizens of the United States.

WHEREAS, There are now more than 15 million children living in the United States with at least one foreign-born parent; and

WHEREAS, Four-fifths of such children were born in the United States and therefore, are United States citizens; and

WHEREAS, Among such children 81% of those under six years old and 70% of those ages 6 to 17 have a parent that is not a United States citizen; and

WHEREAS, The cost of providing government services to illegal immigrant households costs the federal government more than \$10 billion per year, and many of those costs are related to the U.S.-born children living in such households; and

WHEREAS, Many illegal immigrants continue to live and work unlawfully in the United States due to the presence of their U.S.-born children; and

WHEREAS, The 14th Amendment to the Constitution of the United States declares that all persons born in the United States are citizens thereof; and

WHEREAS, An amendment to the Constitution of the United States granting children born to parents neither of whom are citizens of the United States the same legal status as their parents would help reduce the costs incurred by the United States and this state caused by the increasing numbers of illegal immigrants residing in the United States: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Congress of the United States is urged to adopt and submit to the states for ratification an amendment to the Constitution of the United States granting children born to parents neither of whom are citizens of the United States the same legal status as their parents; and

*Be it further resolved:* That the Secretary of State be directed to send enrolled copies of this concurrent resolution to each member of the Kansas Congressional delegation.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Friday, March 7, 2008.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

