

Journal of the House

THIRTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 6, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 122 members present.
Rep. Goico was excused on verified illness.
Reps. Carter and Weber were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

O God, whose constancy overwhelms us, whose power awes us, and whose grace humbles us; hear our prayers.

When we are on the journey, halfway is a hard place to be. We have spent much to get to where we are and wonder where the energy will come from to go the rest of the way. Our reserves of goodwill and patience and optimism are being depleted and we are suspicious that the finish line is being moved further from us rather than closer. Will we finish? Will the journey have been worth the effort? Will the end we seek turn out to be fools gold rather than your gold?

Comfort us this day, O Lord. Infuse us with your holy presence and grace. You, O God, are our strength. You are our hope. You are our journey's companion — even out here in the middle of the journey. Help us in this holy season to walk with you on another journey — a journey of reflection and repentance, that we might see again your power over every obstacle, even death itself. And that we might know that today's journey is another opportunity to walk in conversation with you. Amen.

The Pledge of Allegiance was led by Rep. Peterson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2995, An act supplementing the Kansas pesticide law; relating to qualifications of persons conducting certain inspections for wood destroying insects, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Federal and State Affairs: **HB 2994**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6016—

By Committee on Utilities

A RESOLUTION urging the United States Congress to impose prohibitions or limitations on sale or other dissemination of personal data.

WHEREAS, Data brokers promote the sale or other dissemination of personal information, which may have been obtained by illegal or deceptive means; and

WHEREAS, Protection of personal privacy of citizens is of great concern to Kansas legislators and their constituents; and

WHEREAS, In the world of internet transactions, this issue transcends state, and even national boundaries: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the Congress of the United States is urged to prohibit or impose strict limitations on the sale or other dissemination of the social security number or other sensitive personal data of an individual without the individual's authorization; and

Be it further resolved: That the Chief Clerk of the House of Representatives is directed to send an enrolled copy of this resolution to each member of the Kansas Congressional Delegation; United States Attorney General Alberto R. Gonzales, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001; Federal Trade Commission Chairperson Deborah Platt Majoras, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580; Federal Communications Commission Chairperson Kevin J. Martin, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554; and Kansas Attorney General Phill Kline.

COMMUNICATIONS FROM STATE OFFICERS

From Matthew Veatch, State Archivist, Secretary, State Records Board, Kansas State Historical Society, State Records Board Annual Report for fiscal year 2005.

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

CONSENT CALENDAR

No objection was made to **SB 325** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 62, An act concerning grandparents; relating to visitation by grandparents; enacting the grandparents as caregivers act; prescribing powers, duties and functions for the secretary of social and rehabilitation services; amending K.S.A. 38-129 and 60-1616 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 15; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Gordon, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Huy, D. Johnson, E. Johnson, Kelsey, Kiegerl, Kilpatrick, Kirk, Knox, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mays, McCreary, McKinney, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pottorff, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Dahl, Grange, Huebert, Hutchins, Kelley, Kinzer, Landwehr, Mast, Masterson, McLeland, Neufeld, Pilcher-Cook, Powell, Powers, Watkins.

Present but not voting: None.

Absent or not voting: Carter, Goico, Weber.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: We vote no on **SB 62**. **SB 62** is flawed. It is too broad, applying to able bodied 50 year olds who should be able to care for themselves without a government subsidy. The bill lacks mechanisms to guarantee money is spent appropriately. The claim that the

bill saves money is speculative. The deciding issue must then be will it strengthen families. We believe it may do so in the short term. But experience teaches us that reliance upon government assistance rather than support of relatives, churches and civic organizations erodes the family over the long term. With this in mind, we must reluctantly vote no.—LANCE KINZER, JASON WATKINS, KASHA KELLEY, PEGGY MAST, BRENDA K. LANDWEHR, BECKY HUTCHINS, LARRY POWELL, JOHN C. GRANGE

MR. SPEAKER: So often we vote on technical changes within the law. Today we have the opportunity to vote on changes within people's lives to enhance and promote families in the State of Kansas.

Mr. Speaker, I'm reminded of the quote, "If we don't stand for something, we will fall for anything." I stand for people. I vote yes on **SB 62**.—OLETHA FAUST-GOUDEAU

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

COMMITTEE OF THE WHOLE

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

Recommended that roll call was demanded on motion of Rep. Owens to amend **HB 2596** on page 4, in line 13, by striking all after "activities"; by striking all in lines 14 and 15; in line 16, by striking all before the semicolon; also in line 16, by striking "and"; in line 19, after "(e)" by inserting "; and (3) green fees or similar fees for the use of a private golf course charged by a private club, organization or business";

On roll call, the vote was: Yeas 15; Nays 105; Present but not voting: 0; Absent or not voting: 5.

Yeas: Brown, Cox, Edmonds, Faber, D. Johnson, Kinzer, Kirk, Krehbiel, Kuether, F. Miller, Jim Morrison, Owens, Peterson, S. Sharp, Yonally.

Nays: Aurand, Ballard, Beamer, Bethell, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Knox, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, M. Miller, Judy Morrison, Myers, Neufeld, O'Malley, Oharah, Olson, Otto, Pauls, Peck, Phelps, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Wilk, Williams, Wimm, Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Carter, Goico, O'Neal, Pilcher-Cook, Weber.

The motion of Rep. Owens did not prevail.

Also, on motion of Rep. Craft to amend **HB 2596**, the motion did not prevail. Also, on motion of Rep. Loyd to amend, the motion was withdrawn. Also, on motion to recommend the bill favorably for passage, the motion did not prevail.

On motion of Rep. Otto to amend **HB 2573**, Rep. Lukert requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Otto to amend, which did not prevail.

Also, on motion of Rep. Gatewood to amend **HB 2573**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Huy to amend **HB 2573** on page 6, after line 2, by inserting the following:

"Sec. 2. K.S.A. 2005 Supp. 79-32,119 is hereby amended to read as follows: 79-32,119. The Kansas standard deduction of an individual, including a husband and wife who are either both residents or who file a joint return as if both were residents, shall be equal to the sum of the standard deduction amount allowed pursuant to this section, **and** the additional standard deduction amount allowed pursuant to this section for each such deduction allowable to such individual or to such husband and wife under the federal internal revenue code *and the deduction for federal income tax liability as provided in K.S.A. 79-32,120, and amendments thereto*. For tax year 1998, and all tax years thereafter, the standard deduction

amount shall be as follows: Single individual filing status, \$3,000; married filing status, \$6,000; and head of household filing status, \$4,500. For tax year 1998, and all tax years thereafter, the additional standard deduction amount shall be as follows: Single individual and head of household filing status, \$850; and married filing status, \$700. For purposes of the foregoing, the federal standard deduction allowable to a husband and wife filing separate Kansas income tax returns shall be determined on the basis that separate federal returns were filed, and the federal standard deduction of a husband and wife filing a joint Kansas income tax return shall be determined on the basis that a joint federal income tax return was filed.

Sec. 3. K.S.A. 79-32,120 is hereby amended to read as follows: 79-32,120. (a) If federal taxable income of an individual is determined by itemizing deductions from such individual's federal adjusted gross income, such individual may elect to deduct the Kansas itemized deduction in lieu of the Kansas standard deduction. The Kansas itemized deduction of an individual means the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(b) The total amount of deductions from federal adjusted gross income shall be reduced by the total amount of income taxes imposed by or paid to this state or any other taxing jurisdiction to the extent that the same are deducted in determining the federal itemized deductions ~~and by the amount of all depreciation deductions claimed for any real or tangible personal property upon which the deduction allowed by K.S.A. 79-32,168, and amendments thereto, is or has been claimed.~~

(c) (1) *In accordance with the schedule provided by paragraph (2), the total amount of deductions from federal adjusted gross income shall be increased by the federal income tax liability determined under the federal internal revenue code for the same taxable year for which the Kansas return is being filed after reduction for all credits thereon, except credits for federal withholding and payments on estimates of federal income tax, credits for gasoline and lubricating oil tax, and for foreign tax credits. If, in any year to which this act relates, the taxpayer pays federal income tax pertaining to a prior year's federal income tax liability, such taxpayer may deduct such payment in the year such payment is made if, on the Kansas income tax return for such prior year, such taxpayer computed the federal income tax deduction on the basis of federal income tax paid in such prior year, rather than as accrued. The deduction for federal income tax liability for any year shall be determined by multiplying the federal income tax liability for such year by a fraction the numerator of which is the Kansas adjusted gross income for such year and the denominator of which is the federal adjusted gross income for the same year.*

(2)

Tax Year	% of federal income tax liability allowed
2007	20%
2008	40%
2009	60%
2010	80%
2011 and all tax years thereafter	100%";

And by renumbering the remaining sections accordingly;

Also on page 6, in line 3, after "Sec. 2." by inserting "K.S.A. 79-32,120 and"; also in line 3, by striking "is" and inserting "and 79-32,119 are";

On page 1, in the title, in line 10, after the semicolon by inserting "deduction of federal income tax liability."; also in line 10, after "amending" by inserting "K.S.A. 79-32,120 and"; in line 11, after "32,117" by inserting "and 79-32,119"; also in line 11, by striking "section" and inserting "sections";

On roll call, the vote was: Yeas 45; Nays 70; Present but not voting: 0; Absent or not voting: 10.

Yeas: Beamer, Brown, Brunk, Burgess, Carlson, Dahl, DeCastro, Gordon, Hayzlett, C. Holmes, Huebert, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer,

Knox, Krehbiel, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Judy Morrison, Neufeld, Oharah, Olson, Otto, Peck, Pilcher-Cook, Pottorff, Powell, Powers, Schwartz, S. Sharp, Shultz, Siegfried, Vickrey, Watkins.

Nays: Aurand, Ballard, Bethell, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Decker, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, Grange, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Humerickhouse, Huntington, D. Johnson, Kirk, Kuether, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, Jim Morrison, O'Malley, O'Neal, Owens, Pauls, Phelps, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, B. Sharp, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Carter, Edmonds, George, Goico, M. Holmes, Lane, Light, Myers, Peterson, Weber.

The motion of Rep. Huy did not prevail; and **HB 2573** be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Governmental Organization and Elections** recommends **SB 392, SB 448** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

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 2996, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employment after retirement; minimum retirement benefits for certain retirants; amending K.S.A. 74-4950j and K.S.A. 2005 Supp. 74-4914 and repealing the existing sections, by Committee on Appropriations.

HB 2997, An act concerning sales taxation; relating to exemptions; TLC for children and families, inc.; amending K.S.A. 2005 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2998, An act concerning appraisal of damage to motor vehicles; prescribing procedures, by Committee on Federal and State Affairs.

HB 2999, An act concerning workforce development; relating to training older Kansans; implementing a competitive grant program; amending K.S.A. 2005 Supp. 75-5908 and repealing the existing section, by Committee on Taxation.

REPORT ON ENGROSSED BILLS

HB 2485 reported correctly re-engrossed March 3, 2006.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Tuesday, March 7, 2006.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

