

Journal of the House

SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 17, 2007, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair.
The roll was called with 107 members present.

Reps. Hodge and Yoder were excused on verified illness.

Reps. Ballard, Hawk, Hayzlett, Henry, Humerickhouse, Huntington, Long, Menghini, Peck, Rardin, Sloan, Swanson, Wetta, Winn, B. Wolf and Worley were excused on legislative business.

Prayer by Chaplain Brubaker:

Dear God,

In Proverbs you tell us that “where there is no vision, the people will perish.” We recently celebrated the birthday of Martin Luther King who had your vision of making life for people better. Everyone here today has a vision of making things better for Kansans. However great and good our visions are, they are limited by the fact that we can only see today. Give us your vision as you know what lies ahead for us. Reveal to us your vision and may we work together in accomplishing that. I pray this in the name of your son, Jesus Christ, Amen.

The Pledge of Allegiance was led by Rep. Sharp.

INTRODUCTION OF GUESTS

There being no objection, the following remarks by Rep. Grange are spread upon the journal.

Mr. Speaker, Fellow Representatives, Legislative Staff and Guests:

It gives me great honor to present to you the reigning Miss Kansas. She is a resident of Towanda, Kansas, and will be representing our great state in the Miss America pageant to be held on January 29, 2007, in Las Vegas, Nevada.

Michelle Walthers is an accomplished young woman from a small town who has made a tremendous impact on the lives of her friends, neighbors, and all of those who cross her path.

Michelle is a graduate of Circle High School in Towanda, Butler County Community College in El Dorado, and is pursuing a degree in graphic arts from Wichita State University.

She has received the following scholastic honors: National Honor Society; KU Honor Scholar; WSU Presidential Scholar; Relta Cox Memorial Scholarship; Butler Community College Presidential Scholar; Friends University Presidential Scholar; KSHSAA Youth Citizen Award; Who’s Who Among American High School Students; Butler Community College Volunteer Award; and Butler Community College Great Grizzly Deeds Award.

Michelle has demonstrated great leadership skills by organizing and implementing a fund-raising and renovation project that gained almost \$6,000 for the Safe House of Butler County, by writing and directing a children’s musical, by acting as Science Club Vice President and Treasurer, by serving as a drum majorette, by volunteering as a Big Sister, by serving as a DARE role model, by serving as a children’s church worker, and by serving as a Sunflower Girl’s State Governor Candidate.

Through her talents and abilities she has received the following awards: Leading Female Performer 2004 Century II Jester Awards; Outstanding Citizenship Award; American Creative Patriotic Art Award Winner; 2005 Butler Community College Fall Homecoming Queen Candidate; 2005 Miss Kansas Pageant Margene Savage Outstanding Vocalist Award; Miss Kansas 2005 Kimberly Grice Talent Award, and Miss Kansas 2005 third runner-up.

In January 2006, Miss Walther's art work was featured on the Kansas episode of "Extreme Make Over: Home Edition."

She has written and illustrated her own children's book entitled, "Oh What I'd Do Without You."

Michelle has participated in the "Finding Miss America" documentary filmed in Hollywood in September 2006. She has traveled throughout Kansas as Miss Kansas and has visited schools all over the state with her platform speech "Strengthening the Family."

The Towanda Community, Butler County, and all Kansans take pride in being represented by such a talented and accomplished young woman. We all wish her the best of luck in the upcoming Miss America Pageant later this month.

Michelle is escorted today by her mother, Cindy, and grandfather, Norman. Please join me in welcoming to the Kansas House of Representatives, Miss Kansas 2006, Michelle Walthers.

Miss Walthers also addressed a few remarks to the members of the House.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolutions were introduced and read by title:

HB 2076, An act concerning the Kansas police and firemen's retirement system; relating to earnings limitation for certain members receiving disability benefits; amending K.S.A. 2006 Supp. 74-4960a and repealing the existing section, by Joint Committee on Pensions, Investments and Benefits.

HB 2077, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and certain systems thereunder; withdrawal of contributions; service credit between systems; amending K.S.A. 74-4924 and 74-4988 and repealing the existing sections, by Joint Committee on Pensions, Investments and Benefits.

HB 2078, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and certain systems thereunder; federal nontaxable distributions to certain retirants, by Joint Committee on Pensions, Investments and Benefits.

HB 2079, An act concerning political advertising; relating to corrupt political advertising; establishing the crime of false election information; amending K.S.A. 25-4156 and repealing the existing section, by Representative Otto.

HB 2080, An act concerning governmental ethics; relating to gifts provided to certain state officers and employees; amending K.S.A. 2006 Supp. 46-237a and repealing the existing section, by Committee on Elections and Governmental Organization.

HB 2081, An act concerning recreation systems; relating to members of recreation commissions; amending K.S.A. 2006 Supp. 12-1926 and repealing the existing section, by Committee on Elections and Governmental Organization.

HB 2082, An act concerning municipalities; relating to initiative and referendum; amending K.S.A. 12-3013 and repealing the existing section, by Committee on Elections and Governmental Organization.

HB 2083, An act concerning certain public officers and employees; relating to use of unexpended campaign funds; amending K.S.A. 25-4142 and 25-4157a and K.S.A. 2006 Supp. 25-4143 and repealing the existing sections, by Committee on Elections and Governmental Organization.

HB 2084, An act concerning open meetings; amending K.S.A. 75-4317a and repealing the existing section, by Committee on Elections and Governmental Organization.

HB 2085, An act concerning the open meetings law; relating to executive sessions; amending K.S.A. 2006 Supp. 75-4319 and repealing the existing section, by Committee on Elections and Governmental Organization.

HB 2086, An act concerning electric transmission facilities; providing for the creation of an independent transmission company in this state, by Committee on Energy and Utilities.

HB 2087, An act concerning criminal justice; relating to the state statistical analysis center; amending K.S.A. 2006 Supp. 74-9101 and 74-9501 and repealing the existing sections, by Committee on Judiciary.

HB 2088, An act concerning criminal trespass against children by sex offenders; penalties therefor; notification; immunity from liability, by Committee on Judiciary.

HB 2089, An act concerning civil procedure; relating to child support; amending K.S.A. 2006 Supp. 60-1610 and repealing the existing section, by Representative Kiegerl.

HOUSE CONCURRENT RESOLUTION No. 5005—

By Committee on Taxation

A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas, relating to property taxation.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

“**§ 1. System of taxation; classification; exemption.** (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, 1993, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. *The legislature shall provide by law to prohibit valuation increases on real or personal property used for residential purposes which is owned by and the principal place of residence of a Kansas resident who is 65 years of age or older as of January 1 of the tax year, and the legislature may enact legislation as is necessary to administer this provision.* The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain. Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes including the real property upon which such homes are located 11½%
- (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution 30%
- (3) Vacant lots 12%
- (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law 12%
- (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed 33%
- (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use ... 25%
- (7) All other urban and rural real property not otherwise specifically subclassified 30%

Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Mobile homes used for residential purposes 11½
- (2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25% 30%
- (3) Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed 33%
- (4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985 30%
- (5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property 25%
- (6) All other tangible personal property not otherwise specifically classified .. 30%

(b) All property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, farm machinery and equipment, merchants' and manufacturers' inventories, other than public utility inventories included in subclass (3) of class 2, livestock, and all household goods and personal effects not used for the production of income, shall be exempted from property taxation."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“Explanatory statement. This amendment would require the legislature to prohibit valuation increases of real or personal property used for residential purposes which is owned by and the principal place of residence of a Kansas resident who is 65 years of age or older.

“A vote for this proposition would require the legislature to prohibit valuation increases of real or personal property used for residential purposes which is owned by and the principal place of residence of a Kansas resident who is 65 years of age or older. The amendment would also allow the legislature to enact other legislation as necessary to administer this provision.

“A vote against this proposition would maintain the current system of property taxation which provides no such prohibition.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election to be held on the first Tuesday after the first Monday in November, 2008.

HOUSE CONCURRENT RESOLUTION No. 5006—

By Committee on Taxation

A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas, relating to property taxation.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

“§ 1. **System of taxation; classification; exemption.** (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, 1993, and each year thereafter. Except as otherwise hereinafter specifically provided by this section, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain. Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes including the real property upon which such homes are located 11½%
- (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution 30%
- (3) Vacant lots 12%
- (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law 12%
- (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed 33%
- (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use ... 25%
- (7) All other urban and rural real property not otherwise specifically subclassified 30%

Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Mobile homes used for residential purposes 11½%
- (2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25% 30%
- (3) Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed 33%
- (4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985 30%
- (5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property 25%

(6) All other tangible personal property not otherwise specifically classified . . . 30%

(b) (1) *Except as otherwise provided by paragraph (2) of this subsection, the appraised valuation of all real property, shall not increase from one taxable year to the next such year by a percentage exceeding the percentage by which the average consumer price index for all urban consumers published by the federal department of labor as of the close of the 12-month period ending on August 31 of the first calendar year preceding the appropriate taxable year exceeds such index as of such period ending on August 31 of the second calendar year preceding the appropriate taxable year.*

(2) *The appraised valuation for new or newly improved real property, in its initial year of valuation, shall be based upon the comparison with values of other real property of known or recognized value which is subject to the provisions of paragraph (1). The appraised valuation of real property which has been sold shall be adjusted to an amount equal to the sales price of such real property when sold, as long as such sales price is an amount that a well informed buyer is justified in paying and a well informed seller is justified in accepting for such property in an open and competitive market assuming that the parties are acting without undue compulsion.*

(3) *The legislature may provide by law for such legislation as is necessary to administer the provisions of this subsection.*

~~(b)~~ (c) All property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, farm machinery and equipment, merchants' and manufacturers' inventories, other than public utility inventories included in subclass (3) of class 2, livestock, and all household goods and personal effects not used for the production of income, shall be exempted from property taxation."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. This amendment would provide limitations upon the increase of the appraised valuation of real property subject to taxation.

"A vote for this proposition would limit real property appraised valuation increases from one tax period to another of real property to the percentage increase of the consumer price index for all urban consumers. This proposition would also provide that for real property, the appraised valuation for new or newly improved real property in the initial year shall be based on the comparison with values of other comparable real property of known or recognized value, and the appraised valuation for real property which has been sold shall be adjusted to an amount equal to the sales price of such real property, as long as such sales price is an amount that a well informed buyer is justified in paying and a well informed seller is justified in accepting for such property in an open and competitive market assuming that the parties are acting without undue compulsion. The legislature is expressly authorized to enact necessary legislation to administer the provisions contained in this amendment.

"A vote against this proposition would maintain the current system of property taxation."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election to be held on the first Tuesday following the first Monday in November, 2008.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Commerce and Labor: **HB 2075.**

Energy and Utilities: **HB 2066.**

Federal and State Affairs: **HCR 5004.**

Judiciary: **HB 2073, HB 2074.**

Transportation: **HB 2071**.
 Veterans, Military and Homeland Security: **HB 2067, HB 2068**.
 Agriculture and Natural Resources Budget: **HB 2070**.
 Education Budget: **HB 2069, HB 2072**.

COMMUNICATIONS FROM STATE OFFICERS

From Dr. Fred A. Cholick, Dean, College of Agriculture, Director, K-State Research and Extension, Kansas State University, Kansas Center for Sustainable Agriculture and Alternative Crops, 2006 Annual Report.

From Tracy Taylor, President and CEO, Kansas Technology Enterprise Corporation, 20 Years of Impacting Technology-Based Economic Development in Kansas, January 12, 2007.

From George Fahnestock, Chair, Kansas Technical College and Vocational School Commission, Preliminary Report to the 2007 Kansas Legislature.

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

CHANGE IN JOINT COMMITTEE ASSIGNMENT

Speaker pro tem Dahl announced that Rep. Pottorff will replace Rep. Schwartz on the Joint Committee on State Building Construction.

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 2090, An act concerning schools; relating to physical education; relating to the powers and duties of the state board of education and other state agencies in relation thereto, by Committee on Education.

HB 2091, An act concerning state educational institutions; relating to certain capital improvements; amending K.S.A. 2006 Supp. 76-760 and repealing the existing section, by Legislative Educational Planning Committee.

HB 2092, An act concerning school districts; relating to pupils who are residents of another state, by Committee on Education.

HB 2093, An act concerning the special education teacher service scholarship program; relating to awards thereunder; amending K.S.A. 2006 Supp. 74-32,203 and repealing the existing section, by Committee on Education.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, January 18, 2007.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

