

# Journal of the House

THIRTY-SEVENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, March 1, 2007, 11:00 a.m.

The House met pursuant to adjournment with Speaker Neufeld in the chair.  
The roll was called with 121 members present.  
Rep. Kiegerl was excused on verified illness.  
Rep. Garcia was excused on legislative business.  
Reps. Holland and Svaty were excused on excused absence by the Speaker.  
Present later: Rep. Svaty.

Prayer by guest chaplain, the Rev. Charles Robinson, pastor, North Ridge Church, Sabbath, and guest of Rep. Lukert:

Father God, We once again find ourselves within this room with the duty of designing laws to govern and care for the people of Kansas. I ask that you would help us today to make the decisions that would reflect your heart and care for the people. So to that end I ask that you give us the grace to be smarter than we are, wiser than we are, full of understanding and love that we may glorify you. Give us the courage we need to serve you in this way. We ask this in Jesus' name, Amen.

The Pledge of Allegiance was led by Rep. K. Wolf.

## INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Burgess are spread upon the journal:

I would like to recognize three teams from Silver Lake High School and their coaches. The football team defeated the Garden Plain Owls 49 to 21 in the 3A state championship game which was held in Salina on November 25, 2006. This long-awaited championship came after four consecutive years of second-place finishes.

The Lady Eagles volleyball team finished the regular season with a record of 21 wins and 9 losses. In tournament competition the team advanced past Maur Hill, Rossville and Rock Creek high schools at the sub-state level. In the state tournament they defeated Hillsboro, the number two seed, and Cheney to continue to the semifinals; the team overcame Osage City in the semifinals, and fifth-seeded Wellsville in the championship match to become the 2006 3A State Champions.

Two Silver Lake High School seniors won the 2007 Kansas State High School Activities Association 3A two-speaker debate championship. They won four first place finishes, one second place and one fifth place, in addition to qualifying to the national CFL tournament.

Rep. Burgess presented the coaches, C.J. Hamilton and Angie Bittner, with certificates for the team members.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Education: **HB 2556**.

Federal and State Affairs: **HB 2555**.

Transportation: **HB 2559**.  
 Select Committee on KPERS: **HB 2557, HB 2558**.

#### CHANGE OF REFERENCE

Speaker Neufeld announced the withdrawal of **SB 188** from Committee on Agriculture and Natural Resources Budget and referral to Committee on Agriculture and Natural Resources.

Also, the withdrawal of **HB 2477** from Committee on Federal and State Affairs and referral to Committee on Judiciary.

#### MESSAGE FROM THE SENATE

The Senate nonconcur in House amendments to **SB 83**, requests a conference and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 83**.

Speaker Neufeld thereupon appointed Reps. Brunk, Kiegerl and Ruiz as conferees on the part of the House.

#### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Faust-Goudeau, **HR 6010**, A resolution congratulating and commending Lynette Woodard, was adopted.

There being no objection, the following remarks of Rep. Faust-Goudeau are spread upon the journal:

It is my distinct honor and pleasure to recognize Lynette Woodard on the House floor today for her extraordinary accomplishments, you are an inspiration to me and other citizens of the state of Kansas. I want to personally thank you for the Lynette Woodard Center in Wichita and for your extraordinary coaching skills at Kansas University, but most importantly I want to thank you for your team leadership on the 1984 United States of America Olympic Basketball Team bringing home Gold Medals. Lynette Woodard, I would like to present this resolution to you.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 13**, An act concerning jurisdiction of certain law enforcement officers; amending K.S.A. 2006 Supp. 22-2401a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

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

The bill passed.

**MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Myers, the House concurred in Senate amendments to **HB 2152**. An act concerning the commission on emergency planning and response; amending K.S.A. 2006 Supp. 65-5721 and repealing the existing section.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

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

On motion of Rep. Shultz, the House nonconcurrent in Senate amendments to **HCR 5003** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Shultz, Kinzer and Sawyer as conferees on the part of the House.

**REPORTS OF STANDING COMMITTEES**

Committee on **Federal and State Affairs** recommends **HB 2475** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Federal and State Affairs** recommends **HB 2241** be amended on page 1, in line 34, before the period by inserting "based upon a finding that the visitation rights would be in the child's best interest and when a substantial relationship between the child and the grandparent or stepparent has been established"; in line 37, by striking all after "rights" where it appears for the first time; by striking all in line 38; in line 39 by striking all before the period"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 51, SB 53, SB 57** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **SB 75** be amended on page 2, in line 2, by striking "specify" and inserting "negotiate"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2264** 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 bill and concurrent resolution were thereupon introduced and read by title:

**HB 2560**, An act concerning property taxation; relating to exemptions; housing contributed by United States department of veterans affairs; amending K.S.A. 2006 Supp. 79-201b and repealing the existing section, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. 5019—

By Committee on Taxation

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

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 may exempt from ad valorem taxation all or a portion of the appraised valuation of residential property owned by and the principal place of residence of a Kansas resident who is 65 years of age or older or who is totally and permanently disabled or who is the surviving spouse of a veteran of the armed services before January 1 of the tax year; and the legislature may limit application of this provision based on age, income, disability or such other criteria as the legislature shall determine and enact such other 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 allow the legislature to grant an ad valorem tax exemption on residential property which is the principal place of residence of certain taxpayers.

“A vote for this proposition would authorize the legislature to exempt from ad valorem taxation all or a portion of the appraised valuation of residential property which is the principal residence of a Kansas resident who is 65 years of age or older, a person who is totally and permanently disabled or a surviving spouse of a veteran of the armed services. The proposition also allows the legislature to enact legislation to limit the application of this provision based on age, income, disability or any other criteria which is deemed necessary by the legislature, and to enact other legislation as is necessary to administer this provision.

“A vote against this proposition would maintain the current system of property taxation which would not permit this kind of exemption from ad valorem 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, unless a special election is called at an earlier date by concurrent resolution of the legislature, in which case the proposed amendment shall be submitted to the electors of the state at the special election.

#### INTRODUCTION OF GUESTS

Rep. Faust-Goudeau introduced Marian Washington who was coach for 31 years of the Kansas University women's basketball team. The members of the House recognized her with a standing ovation.

**REPORT ON ENROLLED RESOLUTIONS**

**HR 6010** reported correctly enrolled and properly signed on March 1, 2007.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Friday, March 2, 2007.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

