

# Journal of the Senate

NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, January 19, 2007—8:00 a.m.

The Senate was called to order by President Stephen Morris.  
The roll was called with thirty-two senators present.  
Senators Barnett, Brungardt, Donovan, Gilstrap, Haley, McGinn, Palmer and Wagle were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,  
The week-end is upon us,  
Cold weather lingers still.  
The wind continues blowing,  
Adding to the chill.

Some have lodging in Topeka;  
This is where they'll sleep.  
But some have promises to keep,  
And miles to go before they sleep.

Regardless where we spend the night,  
Help us get some rest.  
Leisure time is needed  
To insure we do our best.

There will be things to do,  
And meetings to attend.  
Some speeches to deliver,  
And spend some time with friends.

On Monday may we find, O God,  
The rest was so worthwhile,  
Even people we don't like  
We can welcome with a smile!

I ask this in Jesus' Name,

AMEN

## PRESENTATION OF PETITIONS

The following petition was presented, read and filed:

**SP 1**, by Senator Derek Schmidt: A petition encouraging the Kansas Legislature to restrict picketing by Rev. Fred Phelps and the Westboro Baptist Church members to respect the rights of grieving families, submitted by Helen Stiffler and 2,562 others.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

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

**SB 124**, An act relating to crimes, criminal procedure and punishment; certain sentences not subject to suspended sentence, conditional release community service or probation, by Senator Journey.

**SB 125**, An act relating to criminal procedure; concerning bail for certain persons, by Senator Journey.

**SB 126**, An act concerning sales taxation; relating to registration certificates; criminal penalty for certain actions related thereto; amending K.S.A. 2006 Supp. 79-3608 and repealing the existing section, by Committee on Ways and Means.

**SB 127**, An act concerning insurance; pertaining to subsidence insurance, by Committee on Ways and Means.

**SB 128**, An act concerning the state corporation commission; relating to providing energy conservation information to consumers by certain electric utilities; establishing the energy conservation education advisory group, by Committee on Utilities.

**SB 129**, An act concerning schools; relating to certain school safety violations; amending K.S.A. 72-89c02 and repealing the existing section, by Committee on Education.

**SB 130**, An act concerning school districts; relating to the capital outlay fund; relating to expenditures therefrom; amending K.S.A. 72-8804 and K.S.A. 2006 Supp. 72-8801 and repealing the existing sections, by Committee on Education.

**SB 131**, An act concerning authorized poll agents; pertaining to the time of authorization; amending K.S.A. 25-3005a and repealing the existing section, by Committee on Elections and Local Government.

**SB 132**, An act concerning criminal procedure; relating to the issuance of warrants or summons; amending K.S.A. 22-2302 and repealing the existing section, by Committee on Elections and Local Government.

**SENATE CONCURRENT RESOLUTION No. 1602—**

By Senators Apple, Bruce, Brownlee, Donovan, Huelskamp, Jordan, Journey, Lynn, McGinn, Ostmeier, Palmer, Petersen, Pine, Pyle, Reitz, Schodorf, Taddiken, Umbarger, Wilson and Wysong

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 Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives 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 single-family residential real property 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 to limit application of this provision 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 ..... 11<sup>1</sup>/<sub>2</sub>%
- (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 ..... 11<sup>1</sup>/<sub>2</sub>%
- (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 single-family residential real property which is owned by and the principal place of residence of a Kansas resident who is 65 years of age or older in certain circumstances.

“A vote for this proposition would require the legislature to prohibit valuation increases of single-family residential real property 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 legislation to limit application of this provision and 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 Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives 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 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Financial Institutions & Insurance: **SB 117, (Separately); SB 121.**

Judiciary: **SB 118, SB 119.**

Natural Resources: **SB 123.**

Public Health and Welfare: **SB 117. (Separately)**

Utilities: **SB 120.**

Ways and Means: **SB 122.**

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, January 22, 2007.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

