

Journal of the House

SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 22, 2014, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Mast in the chair.

The roll was called with 120 members present.

Rep. Peterson was excused on verified illness.

Reps. Christmann, Kelley, KleeB and Thimesch were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord,
Yesterday we were reminded of the words and spirit
of Martin Luther King.
We were reminded how important it is that we serve others.
Today I pray that we will serve with joyful hearts,
never keeping score—
always giving and never expecting to receive.
Help us to be willing to give of ourselves—
our talents, time, and energy.
Help us to understand the needs of others—
never criticizing, demeaning, scolding or condemning.
Instead, help us to always be—
understanding, listening, gentle and compassionate.
This is what You show to us—
help us to show it to others.
For this spirit of servanthood, I pray,
Amen.

The Pledge of Allegiance was led by Rep. Waymaster.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2467, AN ACT concerning motor vehicles; relating to distinctive license plates; making license plates for disabled veterans available for motorcycles; amending K.S.A. 8-161 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2468, AN ACT concerning mortgages of real property; relating to entries of

satisfaction of mortgage, duties and liabilities of last mortgagee or assignee of record; amending K.S.A. 58-2309a and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2469, AN ACT concerning debt setoff; dealing with debt setoff for child support and for debts owed under the state debt setoff program; amending K.S.A. 2013 Supp. 75-6204 and repealing the existing section, by Representatives DeGraaf and Alford.

HB 2470, AN ACT concerning the state board of regents; relating to state educational institutions; pertaining to the purchase of certain insurance; amending K.S.A. 2013 Supp. 75-4101 and repealing the existing section, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Children and Seniors: **HB 2462**.

Energy and Environment: **HB 2465**.

Judiciary: **HB 2461**, **HB 2463**, **HB 2466**.

Taxation: **HB 2464**.

CHANGE OF REFERENCE

Speaker pro tem Mast announced the withdrawal of **HB 2433** from Committee on Financial Institutions and referral to Committee on Judiciary.

COMMUNICATIONS FROM STATE OFFICERS

From Bob Jurgens, Chief, Assessment & Restoration Section, Bureau of Environmental Remediation, Department of Health & Environment, in accordance with K.S.A. 49-512(h), Treece Relocation Assistance Project Monthly Expenditure/Income Report for the December 2013 reporting period.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Carlson, **HR 6041**, by Rep. Carlson, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6041**—

A RESOLUTION congratulating and commending the residents of Kansas and the Kansas Volunteer Commission for their outstanding efforts in volunteerism and civic engagement.

WHEREAS, Kansas is now ranked fourth in the nation in volunteering with 807,860 volunteers providing over 82 million hours of service to Kansas communities; and

WHEREAS, Of the 626 cities in Kansas, 75% have populations of less than 1,500 persons and are most often led by community leaders that volunteer in service to these communities without paid city administrators or other paid staff; and

WHEREAS, Kansas State football coach Bill Snyder led the efforts to win the Coaches Mentoring Challenge for the sixth straight year, with 3,729 new mentors committed to assist Kansas youth. "Mentoring is a cost-effective and proven

intervention that not only provides a safe and positive role model for our youth, but gives individuals in our communities a way to support their young people," said Coach Bill Snyder, "I want to thank the thousands of individuals who signed up to become mentors and also the mentoring programs that work tirelessly to serve our youth." Over the past six years, Kansas has recruited more than 27,000 new mentors during the Coaches Challenge competitions. Research shows that mentoring has long-term benefits for youth by increasing their chances of high school graduation and college attendance and decreasing the likelihood of substance abuse and other risky behaviors; and

WHEREAS, In Kansas, thousands have volunteered in various senior programs, such as Foster Grandparents, Senior Companions or the Retired and Senior Volunteer Program (RSVP), which have contributed to the benefit of and quality of life in our communities; and

WHEREAS, In Kansas, more than 6,200 people participate in national service each year through 1,100 locations in more than 45 national service projects and programs, providing direct services to our urban and rural communities; and

WHEREAS, Throughout this great state hundreds of thousands of our citizens are engaged in volunteer services to their communities each and every day, as individuals and as members of their churches and civic organizations, serving those in need and helping our communities thrive: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend our Kansas citizens and the efforts of the Kansas Volunteer Commission for all their efforts in volunteering and civic engagement; and

Be it further resolved: That we congratulate and commend Kansas State football coach Bill Snyder for his leadership in mentoring while serving Kansas youth; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the Kansas Volunteer Commission and Coach Bill Snyder.

There being no objection, the following remarks of Rep. Carlson are spread upon the Journal:

Today we honor the Kansas Volunteer Commission, empowering all Kansans to meet community needs through service.

- Kansas is ranked fourth in the nation in volunteering.
- Approximately one in three Kansans volunteered at an organization in 2012.
- Over 807,000 Kansans volunteered 82.9 million hours of service contributing \$1.5 billion of service.
- A majority of volunteer time is spent in religious and educational institutions.

With me today are the Kansas Volunteer Commission Staff and Commissioners: Tom Bishop, Jeff Locke, Jolene Niernberger, Connie Stewart, Rod Buchele, Diane Caton, Matt Lindsey, Nicolette Geisler, Cheri Faunce, Nathan Crispin, Molly Turner and Travis Couture-Lovelady.

The Kansas Volunteer Commission supports a variety of volunteer organizations through its programming and funding opportunities. Among them are AmeriCorps,

Volunteer Generation Fund and Kansas Mentors.

More than 360 Kansans are given the opportunity to serve as AmeriCorps State, AmeriCorps National Direct or AmeriCorps VISTA members.

In 2013, they raised more than \$580,000 in cash or in-kind resources for the organizations they serve. At least 5,900 seniors will contribute more than 1.2 million hours of service, leveraging their time and talents. In 2013, they tutored and mentored more than 8,700 Kansas youth with special or exceptional needs. We thank all the commissioners and volunteers for your service.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2303** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 5, in line 35, after the period by inserting:

"(1) ";

Also on page 5, in line 39, after the period by inserting:

"(2) On and after July 1, 2013, through June 30, 2017,";

Also on page 5, in line 43, by striking "25.5%" and inserting "26%";

On page 6, in line 2, by striking "10.2%" and inserting "12%"; in line 4, by striking "10.2%" and inserting "12%"; in line 5, by striking "17.3%" and inserting "17%"; in line 7, by striking "36.7%" and inserting "33%"; following line 12, by inserting:

"(3) On and after July 1, 2017, all reinstatement fees collected pursuant to this section shall be remitted to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount in the state treasury and credit 35% to the community alcoholism and intoxication programs fund created pursuant to K.S.A. 41-1126, and amendments thereto, 20% to the juvenile detention facilities fund created by K.S.A. 79-4803, and amendments thereto, 20% to the forensic laboratory and materials fee fund created by K.S.A. 28-176, and amendments thereto, and 25% to the driving under the influence fund created by K.S.A. 75-5660, and amendments thereto. Moneys credited to the forensic laboratory and materials fee fund as provided herein shall be used to supplement existing appropriations and shall not be used to supplant general fund appropriations to the Kansas bureau of investigation.";

On page 10, in line 2, by striking "department of social and"; in line 3, by striking "rehabilitation" and inserting "Kansas department for aging and disability"; in line 4, by striking "department of social and rehabilitation" and inserting "Kansas department for aging and disability"; in line 5, by striking "of social and rehabilitation" and inserting "for aging and disability"; in line 18, by striking "Topeka state hospital,"; in line 34, by striking "of social and rehabilitation" and inserting "for aging and disability";

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, after "fees;" by inserting "relating to"; in line 5, after the second "fund;" by inserting "interest thereon;"

And your committee on conference recommends the adoption of this report.

JEFF KING
 GREG SMITH
 DAVID HALEY
 Conferees on part of Senate

VIRGIL PECK, JR.
 BRETT HILDABRAND
 BOB GRANT
 Conferees on part of House

On motion of Rep. Peck to adopt the conference committee report on **HB 2303**, Rep. DeGraaf offered a substitute motion to not adopt the conference committee report and that a new conference committee be appointed. The substitute motion did not prevail.

The question reverted back to the original motion of Rep. Peck, and the conference committee report was adopted.

On roll call, the vote was: Yeas 109; Nays 11; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Campbell, Carlin, Carlson, Carmichael, Cassidy, Claeys, Clayton, Concannon, Corbet, Crum, E. Davis, P. Davis, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houston, Howell, Huebert, Jennings, Johnson, Jones, Kahrs, Kelly, Kiegerl, Kinzer, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mast, McPherson, Meier, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rooker, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Sloop, Sutton, Swanson, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Couture-Lovelady, Carpenter, DeGraaf, Edwards, Garber, Houser, Hutton, Meigs, Rhoades, Rothlisberg, Suellentrop.

Present but not voting: None.

Absent or not voting: Christmann, Kelley, Kleeb, Peterson, Thimesch.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2471, AN ACT concerning individuals with light sensitivity; relating to one-way glass and sun screening devices for motor vehicles; creating an exemption; amending K.S.A. 2013 Supp. 8-1749a and repealing the existing section, by Committee on Appropriations.

HB 2472, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; amending K.S.A. 2013 Supp. 74-8702, 74-8734, 74-8741, 74-8751 and 74-8768 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2473, AN ACT concerning weapons; relating to the regulation and possession of firearms and knives; amending K.S.A. 2013 Supp. 12-16,124, 12-16,134, 12-4516, 12-4516a, 21-6301, 21-6304, 21-6307, 21-6309 and 75-7c20 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2474, AN ACT concerning sales taxation; relating to exemptions; certain purchases by disabled veterans of the armed forces of the United States; amending K.S.A. 2013 Supp. 79-32,270 and repealing the existing section, by Representatives Peck, Anthimides, Barker, Bradford, Carpenter, Christmann, Crum, Doll, Edwards, Garber, Goico, Osterman, Powell, Rothlisberg, Sutton and Thompson.

HB 2475, AN ACT concerning schools; relating to personal financial literacy courses; amending K.S.A. 72-1103 and K.S.A. 2013 Supp. 72-7535 and repealing the existing sections, by Committee on Education.

HB 2476, AN ACT concerning health insurance; pertaining to continuation of health insurance for spouse and dependent children of employees of the department of corrections; amending K.S.A. 2013 Supp. 40-2140 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2477, AN ACT concerning crimes and punishment; relating to aggravated battery; amending K.S.A. 2013 Supp. 21-5413 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2478, AN ACT concerning criminal procedure; relating to jurisdiction and venue; crimes committed with an electronic device, by Committee on Corrections and Juvenile Justice.

HB 2479, AN ACT concerning driving privileges; relating to suspension and restriction for test failure or alcohol or drug-related conviction; ignition interlock device; amending K.S.A. 2013 Supp. 8-1015 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2480, AN ACT repealing K.S.A. 66-2013; concerning the review of TeleKansas I, by Committee on Utilities and Telecommunications.

HB 2481, AN ACT concerning sales taxation; relating to exemptions; assistance league of Wichita; amending K.S.A. 2013 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2482, AN ACT concerning the state corporation commission; relating to powers thereof; amending K.S.A. 66-106 and repealing the existing section, by Committee on Utilities and Telecommunications.

HOUSE CONCURRENT RESOLUTION No. **HCR 5024**—

By Representatives Peck, Anthimides, Bradford, Christmann, Edwards,
Garber, Goico, Osterman, Powell, Rothlisberg, Sutton and Thompson

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, ~~2013~~ 2015, 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 provide by law to limit property tax 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 and watercraft, 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 authorize the legislature to limit

property tax 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 authorize the legislature to limit property tax 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 authorization to limit such property tax increases."

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, 2014, 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.

REPORT ON ENROLLED RESOLUTIONS

HR 6038, HR 6039, HR 6040 reported correctly enrolled and properly signed on January 22, 2014.

On motion of Rep. Vickrey, the House adjourned until 3:00 p.m, Thursday, January 23, 2014.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

