

Journal of the House

THIRTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 29, 2004, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 124 members present.
Rep. Sawyer was excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Michael K. Stubbs, pastor, Victory Fellowship Foursquare Church, Emporia, and guest of Rep. Long-Mast:

Dear Almighty God,

Help us seek you today while you can be found and call upon you while you are near. Empower us to reject ways of evil and put out of our minds thought of doing what is wrong.

Enable us to think higher thoughts and strive for higher ways. Stretch our imaginations with divine creativity today. Let Your approved ways of thinking, acting, speaking and operating fill our plans, strategies, words and speeches. Purify our motives for Your glory.

You desire to bless the very earth our state is set upon. Where there is fruitlessness, productivity would abound. Where there is no life, new beginnings can emerge. Where impossibility brings impasse, breakthroughs will occur. When Your name is honored and proclaimed, these things will happen as a sign of Your everlasting love, dominion and power. Help us believe today. Change and revive us today. In the name of Jesus Christ I pray. Amen.

The Pledge of Allegiance was led by Rep. Davis.

In honor of the 143rd birthday of Kansas, Rep. Ballard led the members of the House in singing *Happy Birthday* to Kansas and also *Home on the Range*.

INTRODUCTION OF GUESTS

Rep. Henry introduced Abigail (Abby) Lynn Julo of Atchison. At 18 months, her parents noticed her unusual ability to remember the names of our nation's leaders. By the time Abby turned 5 years old, a few weeks ago, she could name every member of the current Bush cabinet, the governors of every state, all the past presidents, as well as many other things. She has appeared on several national television shows, including the Tonight Show and Oprah.

Rep. Henry asked Abby some questions and then Abby recited *The Gettysburg Address*. She will appear on the Tonight Show with Jay Leno on Monday, February 16, President's Day. Rep. Henry also presented a certificate to Abby, who was accompanied to the House by her parents, Mark and Amy Julo.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2640, An act concerning primary elections; pertaining to a limitation on the number of such elections; amending K.S.A. 25-2021, 25-2108a and 71-1415 and repealing the existing sections, by Committee on Ethics and Elections.

HB 2641, An act concerning drainage districts; pertaining to the definition of taxpayer in certain drainage districts; amending K.S.A. 24-414 and 24-459 and repealing the existing sections, by Committee on Ethics and Elections.

HB 2642, An act concerning elections; concerning time periods for publication notices in primary elections; amending K.S.A. 25-105 and 25-211 and repealing the existing sections, by Committee on Ethics and Elections.

HB 2643, An act concerning elections; eliminating ballot rotation in certain elections; amending K.S.A. 25-2014 and 25-2115 and repealing the existing sections, by Committee on Ethics and Elections.

HB 2644, An act concerning elections; pertaining to mailing of ballots in certain elections; amending K.S.A. 25-433 and K.S.A. 2003 Supp. 25-2304 and repealing the existing sections, by Committee on Ethics and Elections.

HB 2645, An act concerning the transfer of certain sales tax revenue to the state highway fund; amending K.S.A. 2003 Supp. 79-34,147 and repealing the existing section, by Committee on Transportation.

HB 2646, An act relating to motor vehicles; concerning drivers' licenses; amending K.S.A. 2003 Supp. 8-247 and repealing the existing section, by Committee on Transportation.

HB 2647, An act concerning bioscience; creating a Kansas bioscience authority and providing for the powers and duties thereof; providing for bioscience development and funding; amending K.S.A. 2003 Supp. 74-8017 and 74-8905 and repealing the existing sections, by Committee on Economic Development.

HB 2648, An act concerning taxation; relating to suspension or revocation of vehicle dealer's license for failure to remit sales tax; amending K.S.A. 8-2411 and repealing the existing section, by Committee on Taxation.

HB 2649, An act concerning crimes, punishment and criminal procedure; relating to the unlawful use of controlled substances, by Representative Decker.

HB 2650, An act concerning sales taxation; relating to exemptions; heartstrings community foundation; amending K.S.A. 2003 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HB 2622**.

Appropriations: **HB 2607** (separately); **HB 2625** (separately); **HB 2626** (separately); **HR 6011**.

Corrections and Juvenile Justice: **HB 2611**, **HB 2621**, **HB 2636**, **HB 2638**, **HB 2639**; **HR 6012**.

Education: **HB 2608**, **HB 2630**, **HB 2631**.

Environment: **HB 2607** (separately); **HB 2620**.

Ethics and Elections: **HB 2606**, **HB 2619**, **HB 2629**.

Federal and State Affairs: **HB 2632**, **HB 2637**; **HR 6013**.

Financial Institutions: **HB 2613**, **HB 2635**.

Health and Human Services: **HB 2634**.

Higher Education: **HB 2625** (separately); **HB 2626** (separately).

Insurance: **HB 2628**.

Judiciary: **HB 2612**, **HB 2614**, **HB 2616**, **HB 2617**, **HB 2618**.

Local Government: **HB 2605**, **HB 2615**.

Taxation: **HB 2609**, **HB 2610**, **HB 2627**.

Tourism and Parks: **HB 2604**.

Transportation: **HB 2623**, **HB 2624**, **HB 2633**.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 254**, as amended by Senate Committee of the Whole, be amended on page 2, in line 16, by striking "2002" and inserting "2003";

On page 4, in line 19, by striking "2002" and inserting "2003";

On page 10, by striking all in lines 20 through 27 and inserting:

“New Sec. 8. (a) Upon a conviction of a violation of K.S.A. 21-4106 or 21-4607, and amendments thereto, for maintaining or permitting a public nuisance on the premises of a club or drinking establishment licensed under the club and drinking establishment act, the court shall report such conviction to the director of alcoholic beverage control.

(b) Upon a conviction of a violation of K.S.A. 21-4106 or 21-4607, and amendments thereto, for maintaining or permitting a public nuisance on the premises of a retailer licensed under K.S.A. 41-2701 *et seq.*, and amendments thereto, the court shall report such conviction to the governing body of the city or county which issued the license.”;

Also on page 10, in line 29, by striking “2002” and inserting “2003”;

In the title, by striking all in lines 13 and 14; in line 15, by striking all before the semicolon and inserting “certain nuisances; restricting the use of pyrotechnics and pyrotechnic devices and materials and providing remedies for violations”; in line 17, by striking “2002” and inserting “2003”; and the bill be passed as amended.

Committee on **Higher Education** recommends **HB 2493** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2493,” as follows:

“Substitute for HOUSE BILL NO. 2493
By Committee on Higher Education

An act relating to education; concerning private and postsecondary institutions; repealing K.S.A. 72-4916, 72-4919, 72-4920, 72-4921, 72-4922, 72-4924 through 72-4937, inclusive, 72-4939, 72-4940 and 74-3249 through 74-3253, inclusive and K.S.A. 2003 Supp. 72-4938.”; and the substitute bill be passed.

(**Sub. HB 2493** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **HB 2522** be amended on page 1, in line 13, by striking “mobile infrared transmitter” and inserting “traffic control signal preemption device”; in line 14, by striking all following “device”; in line 15, by striking “with the capability of changing” and inserting “, instrument or mechanism designed, intended or used to interfere with the operation or cycle of”; in line 16, by striking “, out of sequence”; in line 19, by striking “mobile infrared transmitter” and inserting “traffic control signal preemption device”; in line 20, by striking “mobile infrared transmitter” and inserting “traffic control signal preemption device”; in line 21, by striking “mobile infrared transmitter” and inserting “traffic control signal preemption device”; in line 23, by striking “mobile infrared transmitter” and inserting “traffic control signal preemption device”; in line 30, by striking “(b)(1)” and inserting “(b)(2)”; in line 34, by striking “(b)(1)” and inserting “(b)(2)”;;

In the title, in line 9, by striking “mobile infrared”; in line 10, by striking “transmitters” and inserting “traffic control signal preemption devices”; and the bill be passed as amended.

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 and concurrent resolution were thereupon introduced and read by title:

HB 2651, An act concerning oil and gas mineral severance tax; amending K.S.A. 2003 Supp. 79-4217 and repealing the existing section, by Committee on Utilities.

HB 2652, An act concerning oil and gas; concerning unitization; amending K.S.A. 55-1302 and repealing the existing section, by Committee on Utilities.

HB 2653, An act concerning wildlife and parks; relating to the interstate wildlife violator compact; commercialization of wildlife; amending K.S.A. 2003 Supp. 32-1005 and repealing the existing section, by Committee on Agriculture.

HB 2654, An act concerning cities; relating to annexation; amending K.S.A. 12-520, 12-531 and 12-532 and repealing the existing sections, by Representatives Toelkes, DeCastro, Huy, Rehorn and Thimesch.

HB 2655, An act concerning civil procedure for limited actions; relating to admissions of facts; amending K.S.A. 2003 Supp. 61-3101 and repealing the existing section, by Representative Jack.

HB 2656, An act concerning alcoholic liquor; relating to retail sales outside the corporate limits of cities; amending K.S.A. 41-303 and repealing the existing section, by Representatives Dreher, Compton and Grant.

HOUSE CONCURRENT RESOLUTION No. 5031—

By Representatives Gatewood and Faber

A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas.

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 provide by law for limitations upon the increase from one taxable period to the next such period of the appraised valuation of real property used for residential purposes.* 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:

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| (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 provide limitations upon the increase of the appraised valuation of real property used for residential purposes subject to taxation.

"A vote for this proposition would allow pursuant to enactment by the legislature the limiting of real estate appraised valuation increases for real property used for residential purposes from one tax period to another.

"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 November 2, 2004.

On motion of Rep. Aurand, the House adjourned until 10:15 a.m., Friday, January 30, 2004.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

