

Journal of the House

TWENTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 16, 2004, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.

The roll was called with 123 members present.

Reps. Henderson and Tafanelli were excused on excused absence by the Speaker.

Prayer by Mr. Michael Luskey, Great Plains Christian Radio, Meade, and guest of Rep. Neufeld:

Father God,

We thank you for this day and the opportunity to do what is good and righteous in your eyes. Father, this day we remember and thank you for those who you called to lead our nation from its earliest days. Men and women of honor and courage who were not ashamed or too proud to recognize your hand of blessing and call out to you for wisdom, grace and mercy.

In the words of President George Washington, "that Thou will incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly affection and love for one another. And, that Thou will most graciously be pleased to move us all to do justice, to love mercy, to be charitable and humble, all characteristics of the Divine Creator, without our humble imitation of whose example in these things we can never hope to be a happy nation!"

Father, as President Abraham Lincoln prayed. . . "We have been the recipients of the choicest bounties of Heaven. We have been preserved, these many years, in peace and prosperity. We have grown in numbers, wealth, and power as no other nation has ever grown; but we have forgotten God. We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own."

Father, today I ask that your blessing be on the men and women of this house for Your wisdom in the decisions that are before them, that they would entertain a brotherly affection and love for one another, that they would choose to do justice, love, mercy, be charitable and humble and that the citizens of Kansas would desire the same. Father forgive us where we have failed You, bless us that we might be used by You. This we ask in the name of your Holy Son Jesus Christ, Amen.

The Pledge of Allegiance was led by Rep. DeCastro.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2882, An act concerning income taxation; relating to credit; commercial and industrial machinery and equipment; amending K.S.A. 2003 Supp. 79-32,206 and repealing the existing section, by Committee on Taxation.

HB 2883, An act concerning income taxation; relating to estimated tax of individuals; amending K.S.A. 2003 Supp. 79-32,101 and repealing the existing section, by Committee on Taxation.

HB 2884, An act concerning sales taxation; relating to manufacturer's rebates on sales or leases of motor vehicles; amending K.S.A. 2003 Supp. 79-3602 and repealing the existing section, by Committee on Taxation.

HB 2885, An act concerning good time credits for juvenile offenders; amending K.S.A. 38-16,130 and repealing the existing section, by Committee on Federal and State Affairs.

HOUSE CONCURRENT RESOLUTION No. 5038—

By Committee on Taxation

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 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.

(c) *The legislature shall provide by enactment of law that 50% of the first \$200,000 of actual appraised value of owner-occupied residential real property which is the primary residence of the owner shall be exempt from property taxation if: (1) The owner-occupier is 67 years of age or older as of January 1 and has owned and occupied such residential real property as such owner's primary residence for the 10 years immediately preceding such date; or (2) the owner-occupier is the spouse or surviving spouse of an owner-occupier who previously qualified for a property tax exemption for the same residential real property pursuant to subsection (c)(1). The legislature may provide by enactment of law for the adjustment of the maximum amount of actual appraised value of residential real property requirement contained in this subsection.*

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 provide that 50% of the first \$200,000 of the appraised valuation of real property used for residential purposes shall be exempt from property taxation for certain qualifying taxpayers or their spouse who are 67 years of age or older and have owned and occupied such residence for the past 10 years. The legislature may provide for future adjustment of the maximum valuation threshold.

“A vote for this proposition would require pursuant to enactment by the legislature that 50% of the first \$200,000 of appraised valuation of real property used for residential purposes shall be exempt from property taxation for certain qualifying taxpayers or their spouse who are 67 years of age or older and have owned and occupied such residence for the past 10 years. The legislature may provide for future adjustment of the maximum valuation threshold.

“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.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and were referred to committees as indicated:

Agriculture: **HB 2881**.

Appropriations: **SB 365**.

Corrections and Juvenile Justice: **HB 2869**.

Education: **HB 2872**.

Federal and State Affairs: **HB 2870, HB 2875, HB 2876, HB 2879**.

Health and Human Services: **HB 2867, HB 2868; SB 418**.

Judiciary: **HB 2874, HB 2880; SB 256**.

Taxation: **HB 2873, HB 2878; SB 325**.

Tourism and Parks: **SB 334**.

Transportation: **HB 2871**.

Select Committee on Kansas Security: **HB 2877**.

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2813** from Committee on Health and Human Services and referral to Committee on Judiciary.

CONSENT CALENDAR

Objection was made to **HB 2642** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2542** appearing on the Consent Calendar for the second day.

On motion of Rep. Aurand, the House went into Committee of the Whole, with Rep. Howell in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Howell, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2565, HB 2623, HB 2554, HB 2624, HB 2597, HB 2545** be passed.

Committee report to **HB 2737** be adopted; and the bill be passed as amended.

Committee report to **HB 2531** be adopted; also, on motion of Rep. Gatewood to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2678** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2675** be amended on page 2, in line 18, by striking "Laharper" and inserting "LaHarp";

On page 5, in line 13, by striking "claimants" and inserting "claimant";

On page 6, in line 28, after "Pederson" by inserting "#59163";

On page 7, in line 10, by striking "form" and inserting "from"; following line 14 by inserting a new section to read as follows:

Sec. 7. The department of administration is hereby authorized and directed to pay the following amounts from the canceled warrants payment fund for payment of expired warrants, to the following claimants:

American United Life Ins. Co.

P.O. Box 5207

Topeka, KS 66605-0207 \$11,203.33

The Travelers

P.O. Box 2928

Overland Park, KS 66201-1328 \$48,949.62";

And by renumbering the remaining sections accordingly; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2621** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2575** be amended on page 1, in line 35, by striking "and any"; in line 36, by striking all before "pursuant"; also in line 36, by striking "of this"; in line 37, by striking "section";

On page 2, in line 35, by striking the first "(1)"; also in line 35, after "A" by inserting "duly ordained"; also in line 35, by striking all after "religion"; by striking all in line 36; in line 37, by striking "todian of records for such minister" and inserting "and a regular minister of religion";

On page 3, in line 1, by striking "or custodian"; also in line 1, by striking "or custo-"; in line 2, by striking "dian"; by striking all in lines 4 through 10; in line 23, by striking "and any custodian of records for such minister"; in line 24, by striking "of this section";

On page 4, in line 32, after "A" by inserting "duly ordained"; also in line 32, by striking all after "religion"; by striking all in line 33; in line 34, by striking "of records for such minister" and inserting "and a regular minister of religion"; in line 39, by striking "or cus-"; in line 40, by striking "todian's"; also in line 40, by striking "or custo-"; in line 41, by striking "dian"; also in line 41, by striking "or custodian";

On page 5, in line 14, by striking "and any custodian of records for such minister"; in line 15, by striking "of this section";

On page 6, in line 25, after "A" by inserting "duly ordained"; also in line 25, by striking all after "religion"; by striking all in line 26; in line 27, by striking "todian of records for such minister" and inserting "and a regular minister of religion"; in line 32, by striking "or custodian's"; in line 33, by striking "or custodian"; in line 34, by striking "or custodian"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2631** be passed.

Committee on **Education** recommends **HB 2558** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2558," as follows:

"Substitute for HOUSE BILL No. 2558

By Committee on Education

"AN ACT relating to charter schools; amending K.S.A. 72-1906, 72-1907 and 72-1910 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2558** was thereupon introduced and read by title.)

Committee on **Local Government** recommends **HB 2590** be passed.

Committee on **Local Government** recommends **HB 2601** be amended on page 1, in line 36, by striking "and" and inserting "or"; 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 were thereupon introduced and read by title:

HB 2886, An act concerning state employees; prescribing written reports relating to certain state employee salary increases, by Committee on Appropriations.

HB 2887, An act concerning explosives; enacting the Kansas explosives act, by Committee on Appropriations.

HB 2888, An act concerning fireworks; enacting the Kansas fireworks act, by Committee on Appropriations.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Tuesday, February 17, 2004.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

