

Journal of the House

FORTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 11, 2004, 10:30 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 123 members present.
Reps. Tafanelli and Yonally were excused on excused absence by the Speaker.

Prayer by guest chaplain, Don Burchett, pastor, Cathedral of Praise, Independence, and guest of Rep. F. Miller:

Our Heavenly Father,
Thank you for allowing us this time to be a blessing to you. Thank you for all the ladies and gentlemen who have come together to make this a better state and country.

Father, you said in James 1:5, "If any of you lacks wisdom, he should ask God, who gives generously to all without finding fault, and it will be given to him." We are asking for wisdom now, and the courage to stand up for what is true and just in Jesus' name. Amen.

The Pledge of Allegiance was led by Rep. Showalter.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2925**; **SB 533**.
Education: **SB 293**.
Federal and State Affairs: **SB 400**.
Higher Education: **SB 540**.

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **SB 66** from Committee on Insurance and referral to Committee on Commerce and Labor.

Also, the withdrawal of **HB 2627** from Committee on Taxation and referral separately to Committee on Taxation and Committee on Higher Education.

COMMUNICATIONS FROM STATE OFFICERS

From Janet Schalansky, Secretary, Department of Social and Rehabilitation Services, in accordance with K.S.A. 39-1806, Review Rate Structure for Community Developmental Disability Services, Final Report, March 2004.

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

CONSENT CALENDAR

Objection was made to **SB 448**, **SB 449** appearing on the Consent Calendar; the bills were placed on the calendar under the heading of General Orders.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HB 2420. An act enacting the children's internet protection act; prohibiting certain acts and providing remedies for violations, was considered on final action.

On roll call, the vote was: Yeas 71; Nays 52; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Ballou, Barbieri-Lightner, Bethell, Brunk, Burgess, Carter, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Feuerborn, Freeborn, Gatewood, Goering, Goico, Grant, Hayzlett, Henry, Holland, Holmes, Horst, Howell, Huebert, Hutchins, Huy, Jack, E. Johnson, Kauffman, Kirk, Klein, Krehbiel, Landwehr, Lane, Larkin, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, Osborne, Ostmeyer, Patterson, Pauls, Powell, Powers, Reitz, Schwab, S. Sharp, Shultz, Siegfried, Swenson, Thimesch, Toelkes, Vickrey, Ward, D. Williams, J. Williams, Yoder.

Nays: Aurand, Beggs, Boyer, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dreher, Faber, Faust-Goudeau, Flaharty, Flora, Gilbert, Gordon, Henderson, Hill, Huff, Humerickhouse, Huntington, D. Johnson, Kassebaum, Kuether, Light, Loganbill, M. Long, Loyd, Minor, Jim Morrison, Neighbor, O'Neal, Owens, Phelps, Pottorff, Reardon, Rehorn, Ruff, Sawyer, Schwartz, Scoggins-Waite, B. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Thull, Wilk, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Tafanelli, Yonally.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: **Sub. HB 2420** provides people with a false sense that they are protecting children. Filtering software does not filter images but rather words. Don't be misled into thinking that this bill will protect children as intended. It has been shown that filters are only effective 80% of the time. Only an effective and enforced policy on Internet use will protect children. We believe that policies need to be established on a local level and not with the heavy hand of the State Legislature. We vote no on **Sub. HB 2420**.—LANA GORDON, CINDY NEIGHBOR, THOMAS C. OWENS, TERRIE HUNTINGTON, SYDNEY CARLIN, BARBARA CRAFT, DAN JOHNSON, BONNIE SHARP, CLAY AURAND

HB 2568. An act concerning crimes, criminal procedure and punishment; relating to certain criminal defendants; assessment fee; establishing the children's advocacy center fund, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Tafanelli, Yonally.

The bill passed, as amended.

HB 2569. An act concerning children's advocacy centers; prescribing certain standards; regarding requirements for training of staff, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Tafanelli, Yonally.

The bill passed, as amended.

HB 2673, An act concerning claims; relating to prior fiscal year claims for services or purchases by state agencies; amending K.S.A. 46-923 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Klein, Kuether, McKinney, Rehorn, Ward.

Present but not voting: None.

Absent or not voting: Tafanelli, Yonally.

The bill passed.

HB 2706, An act concerning the state finance council; voting procedures; amending K.S.A. 75-3711 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Reardon, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan,

Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Burroughs, Carter, Long-Mast, Powers, Rehorn.

Present but not voting: None.

Absent or not voting: Tafanelli, Yonally.

The bill passed.

HB 2886, An act concerning state employees; prescribing written reports relating to certain state employee salary increases, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Klein, Loyd.

Present but not voting: None.

Absent or not voting: Tafanelli, Yonally.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2675** be adopted; also, on motion of Rep. Edmonds be amended on page 7, after line 29 by inserting the following:

“Sec. 8. The department of revenue is hereby authorized and directed to pay the following amount from the sales tax refund fund as reimbursement for overpayment of sales tax, which was not submitted in the proper fiscal year, to the following claimant:

Rick Tutac

2620 Oxbow

Great Bend, KS 67530 \$4,866.83”;

And by renumbering sections accordingly; and **HB 2675** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2807** be adopted; also, on motion of Rep. Decker be amended on page 1, in line 38, following “district” by inserting “for the prior calendar year, based on the exemption pursuant to K.S.A. 79-201y, and amendments thereto,”;

On page 2, in line 4, by striking “2003-2004” and inserting “2004-2005”; in line 5, following “year” by inserting “that was authorized prior to the effective date of this act and adopted by the school board for the 2004-2005 school year”; also in line 5, following “education” by inserting “and ancillary facilities”; in line 7, by striking “2002-2003” and inserting “2004-2005”; also in line 7, following “year” by inserting “based on the 20 mills previously specified in K.S.A. 72-6431, and amendments thereto, and the local option budget levy that would apply under the prior local option budget law using the local option budget percentage adopted by the school board for the 2004-2005 school year”; in line 22, by striking the colon; by striking all in lines 23 through 26; in line 27, by striking all preceding “and” and inserting “the 2004-2005 school year general fund state aid less the initial budget amount times the state assistance factor for the 2004-2005 school year,”;

On page 3, in line 1, by striking "times"; in line 2, by striking all preceding the semicolon and inserting "less other general fund revenues for the 2004-2005 school year"; in line 3, following the colon, by inserting "A positive amount which is";

On page 10, in line 40, following the period, by inserting: "If the mill levy is in excess of 20 mills, 20 mills shall be subject to the exemption specified in K.S.A. 79-201y, and amendments thereto, and the additional mills shall not be subject to such exemption.";

On page 13, following line 6, by inserting "The proceeds from the tax levied by a district under authority of this section shall be deposited in the extraordinary growth facilities fund and used to pay costs related to the opening and operations of the new facilities.";

On page 15, in line 2, by striking "2" and inserting "3";
Also, on further motion of Rep. Decker, **Sub. HB 2807** be amended on page 2, in line 39, by striking "Prior" and inserting "(a) Subject to the provisions of subsection (b), prior"; following line 41, by inserting the following:

"(b) No school district may: (1) Increase the district's ad valorem property tax mill levy more than two mills above the number of mills levied the prior year; or (2) increase by 5% or more the prior year's budget unless the school board passes a resolution and publishes such resolution once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form.

(1) In the case of a mill levy increase, the form shall be:
Unified School District No. _____
_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to increase its mill levy over the prior year mill levy by _____ mills. The mill levy increase authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether the mill levy increase shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the _____ day of _____, _____.

Clerk of the board of education.

(2) In the case of an increase of 5% or more over the prior year's budget, the form shall be:

Unified School District No. _____
_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to increase its budget over the prior year's budget by _____%. The budget increase authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether the increase shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the _____ day of _____, _____.

Clerk of the board of education.

In the case of an increase of less than 5% of the prior year's budget, the form in clause (1) shall be utilized and in the case of an increase of more than 5%, the form in clause (2) shall be utilized.

All of the blanks in the resolution shall be appropriately filled. The blank preceding the word "mills" in clause (1) and the blank preceding the word "by" in clause (2) shall be filled with a specific number. If no petition as specified above is filed in accordance with the provisions of the resolution, the board may levy the increase specified in the resolution. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether the increase shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If the voters approve the increase, the board may levy the increase specified in the resolution.";

Also, on motion of Rep. Neufeld, **Sub. HB 2807** be amended on page 2, in line 41, following the period, by inserting "For the 2004-2005 school year, no district shall increase its budget by an amount that is in excess of the average annual percentage increase in its budget for the three prior school years.";

Also, on motion of Rep. Huebert to amend **Sub. HB 2807**, the motion did not prevail.

Also, on motion to recommend **Sub. HB 2807** favorably for passage, the motion did not prevail.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2912** 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 **Commerce and Labor** recommends **SB 404**, be amended on page 2, in line 20, after the semicolon, by inserting "or"; in line 24, by striking "; or"; by striking all in lines 25 and 26; in line 27, by striking all before the period;

On page 4, in line 7, after "in" by inserting "Kansas or"; in line 9, after "the" where it appears for the last time, by inserting "Kansas or"; and the bill be passed as amended.

Committee on **Economic Development** recommends **SB 393**, be amended on page 2, in line 2, by striking all after the colon; by striking all in lines 3 through 7 and inserting the following:

"(a) "Banking industry" means banks, savings and loan associations and credit unions;

(b) "cash investment" means money or its equivalent contributed to the Kansas community entrepreneurship fund;

(c) "center" means the Kansas center for entrepreneurship;"

And by relettering the remaining subsections accordingly;

Also on page 2, after line 13, by inserting the following:

"(f) "fund" means the Kansas community entrepreneurship fund;"

And by relettering the remaining subsections accordingly;

Also on page 2, after line 22, by inserting the following:

"(i) "member" means a member of the board of directors;"

And by relettering the remaining subsections;

Also on page 2, after line 28, by inserting the following:

"(k) "regional and community organization" means a not-for-profit organization properly organized under Kansas statutes to provide funds to start-up entrepreneurs through loans, grants or agreements with financial institutions;"

And by relettering the remaining subsections accordingly;

Also on page 2, in line 32, by striking “and”; in line 39, by striking “within the de-”; in line 40, by striking “partment of commerce” and inserting “and corporate”; in line 41, after “commerce” by inserting “, after consulting with the board of directors.”; in line 42, after the period, by inserting “The center’s exercise of all the rights, powers and privileges conferred by this act and shall be deemed and held to be the performance of an essential government function.”;

On page 3, in line 13, by striking “Directors” and inserting “Members”; also in line 13, before the comma where it appears the first time by inserting “and until such members’ successors are appointed”; by striking all in lines 17 and 18; in line 19, by striking “(3)” and inserting “(2)”; also in line 19, by striking all after “vacancy”; in line 20, by striking all before the comma and inserting “by a member”; in line 22, before the period by inserting “and shall serve the remainder of the unexpired portion of the term”; by striking all in lines 25 and 26; in line 27, by striking “as necessary” and inserting “and may appoint committees from its members as necessary”; after line 27, by inserting the following:

“(e) The board of directors shall meet at least four times a year and at such other times as it deems appropriate or upon call of the chairperson or upon the written request of a majority of the members of the board.”;

Also on page 3, in line 28, by striking “(e)” and inserting “(f)”; also in line 28, by striking “meetings or subcom-”; in line 29, by striking “mittee” and inserting “board meetings or committee”; also in line 29, by striking “Kansas center for entrepre-”; in line 30, by striking “neurship” and inserting “center”;

And by relettering the remaining subsections accordingly;

Also on page 3, after line 40, by inserting the following:

“(k) A majority of the total voting membership of the board shall constitute a quorum for meetings. The board may act by a majority of those at any meeting where a quorum of the board is present.

(l) Before assuming office, each person appointed as a member of the board of directors shall complete and file with the office of the secretary of state a statement containing the information required in a statement of substantial interest pursuant to K.S.A. 46-247, and amendments thereto;

(m) The board of directors shall:

(1) Consult with and make a recommendation to the secretary concerning the awarding of the contract for the Kansas center for entrepreneurship;

(2) make recommendations to the Kansas center for entrepreneurship regarding its policies and procedures;

(3) review and evaluate the Kansas center for entrepreneurship’ annual report in light of this act’s purpose, policy and procedures and current economic conditions, and, report its conclusions and recommendations to the secretary and the center;

(4) advise the secretary regarding any matter of impropriety involving the Kansas center for entrepreneurship of which it becomes aware; and

(5) carry out any other advisory or oversight function the secretary deems necessary to fulfill and further the purpose and intent of this act.”;

Also on page 3, in line 41, by striking “community” and inserting “center for”; in line 42, by striking “fund”; also in line 42, by striking “through” and inserting “by providing”;

On page 4, in line 2, by striking “and promote” and inserting “, promoting”; also in line 2, by striking “. The”; in line 3, by striking all before “individuals” and inserting “and encouraging”; in line 34, by striking all after “(a)”; in line 35, by striking all before “The”; in line 41, by striking all before the comma and inserting “created in section 9, and amendments thereto”;

On page 5, in line 1, by striking “1” and inserting “2, and amendments thereto”; in line 21, by striking “or” where it appears the second time and inserting a comma; in line 22, after “associations” by inserting “or Kansas chartered credit unions”; in line 28, by striking the comma where it appears the first time; also in line 28, by striking “, in respect to” and inserting “stating”; in line 29, after “and” by inserting a comma; in line 31, by striking “describe” and inserting “, describing”; in line 41, by striking all after “(a)”; by striking all in lines 42 and 43;

On page 6, by striking all in lines 1 and 2; in line 3, by striking all before "Subject" and inserting "Officers and employees of the Kansas center for entrepreneurship shall not be considered state employees, as such term is defined in any other statute or regulation, and shall be paid from appropriations to the center and moneys allocated in sections 5 and 6, and amendments thereto, for salaries and operating expenses."; in line 12, after "created" by inserting "in the state treasury";

On page 7, in line 3, by striking all after "(e)"; by striking all in lines 4 and 5 and inserting "The Kansas center for entrepreneurship shall be reimbursed for the reasonable costs of the administration of this act and for the processing, issuance and costs incurred in authorizing tax credits from the Kansas community entrepreneurship fund."; and the bill be passed as amended.

Committee on **Economic Development** recommends **SB 417**, be amended on page 3, in line 15, by striking "70%" and inserting "50%"; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **SB 479** be passed.

Committee on **Federal and State Affairs** recommends **HB 2552** be amended on page 1, in line 12, before "Section" by inserting "New"; also in line 12, by striking "This act" and inserting "Sections 1 through 4, and amendments thereto,"; after line 35, by inserting:

"Sec. 5. K.S.A. 2003 Supp. 21-3440 is hereby amended to read as follows: 21-3440. (a) Injury to a pregnant woman is injury to a pregnant woman by a person other than the pregnant woman in the commission of a felony or misdemeanor causing the pregnant woman to suffer a miscarriage as a result of that injury.

(b) As used in this section, "miscarriage" means the interruption of the normal development of the fetus, other than by a live birth, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception.

(c) Injury to a pregnant woman in the commission of a felony is a severity level ~~4~~ 3, person felony. Injury to a pregnant woman in the commission of a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413, ~~subsections (b)(1) and (b)(2) of K.S.A. 2003 Supp. 21-3412a~~ or K.S.A. 21-3517, and amendments thereto, *or a violation of K.S.A. 2003 Supp. 21-3412a, and amendments thereto, punishable pursuant to subsection (b)(1) or (b)(2) of that statute*, is a severity level ~~5~~ 4, person felony. Injury to a pregnant woman in the commission of a misdemeanor other than a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413 ~~subsections (b)(1) and (b)(2) of K.S.A. 2003 Supp. 21-3412a~~ or K.S.A. 21-3517, and amendments thereto, *or a violation of K.S.A. 2003 Supp. 21-3412a, and amendments thereto, punishable pursuant to subsection (b)(1) or (b)(2) of that statute*, is a class A person misdemeanor.

(d) The provisions of this section shall be part of and supplemental to the Kansas criminal code.

Sec. 6. K.S.A. 2003 Supp. 21-3440 is hereby repealed.";

By renumbering section 5 as section 7;

In the title, in line 9, before "enacting" by inserting "amending and supplementing the Kansas criminal code;"; also in line 9, after "act" by inserting " ; concerning the crime of injury to a pregnant woman; amending K.S.A. 2003 Supp. 21-3440 and repealing the existing section"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2676** be amended on page 1, in line 22, by striking all after the period; by striking all in lines 23 and 24 and inserting "Upon the request of a parent, guardian, child or guardian ad litem, the court shall allow an individual, a member of the senate, a member of the house of representatives and a member of the clergy to attend the proceedings as observers, unless the court finds the presence of the persons would be disruptive to the proceedings. If the request is denied, the court, on the record, shall state the reasons for denying the request."; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 366** 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 **Health and Human Services** recommends **HR 6010** be amended on page 2, in line 3, by striking all after "the"; in line 4 by striking all before "to" and inserting "Secretary of the Kansas Department of Health and Environment"; in line 9, by striking

“Chairperson”; by striking all in line 10; in line 11 by striking “Representatives” and inserting “Secretary of the Kansas Department of Health and Environment”;

On page 1, in the title, in line 9, by striking all after “the”; in line 10, by striking all before “to” and inserting “Secretary of the Kansas Department of Health and Environment”; and the resolution be adopted as amended.

Committee on **Judiciary** recommends **SB 421** be amended on page 1, in line 23, after “the” by inserting “compensation and”; after line 37, by inserting the following:

“Sec. 2. K.S.A. 2003 Supp. 58-3502 is hereby amended to read as follows: 58-3502. Whenever any program or project is undertaken by the state of Kansas, any agency or political subdivision thereof, under which federal financial assistance will be available to pay all or part of the cost of such program by reason of a grant from or contract or agreement with the federal government, and which program or project will result in the displacement of any person by acquisition of real property, or by the direct result of building code enforcement activities, rehabilitation or demolition programs, the state, agency, or political subdivision shall:

(1) Provide fair and reasonable relocation payments and assistance to or for displaced persons as are required under sections 202, 203 and 204 of the federal act;

(2) provide relocation assistance programs offering to displaced persons and others occupying property immediately adjacent to the real property acquired, the services described in section 205 of the federal act on the conditions prescribed therein;

(3) in acquiring the real property be guided to the greatest extent practicable under state law by the land acquisition policies in section 301 and the provisions of section 302 of the federal act;

(4) pay or reimburse property owners for necessary expenses as specified in sections 303 and 304 of the federal act;

(5) share costs of providing payments and assistance with the federal government in the manner and to the extent required by sections 211 (a) and (b) of the federal act; ~~and~~

(6) appoint such officers, enter into such contracts, utilize federal funds for planning and providing comparable replacement housing, and take such other actions as may be necessary to comply with the conditions and requirements of the federal act; *and*

(7) under circumstances where a displaced person demonstrates that receipt of such payments in advance of the actual relocation is required to enable the relocation and estimates are provided by the displaced person to the state, agency or political subdivision that will allow such governmental entity to estimate with reasonable accuracy the relocation payments, 75% of such amount shall be advanced to the displaced person or paid to third parties on behalf of the displaced person to facilitate the relocation. Any remaining payment due shall be made within 30 days after the relocation has been completed.

New Sec. 3. (a) Whenever federal funding is not involved, real property is acquired by any condemning authority through negotiation in advance of a condemnation action or through a condemnation action and the acquisition will result in the displacement of any person, the condemning authority shall:

(1) Provide the displaced person, as defined in the federal uniform relocation assistance and real property acquisition policies act of 1970, and amendments thereto, fair and reasonable relocation payments and assistance to or for displaced persons.

(2) Fair and reasonable relocation payments and assistance to or for displaced persons as provided under sections 202, 203 and 204 of the federal uniform relocation assistance and real property acquisition policies act of 1970, and amendments thereto, shall be deemed fair and reasonable relocation payments and assistance pursuant to this section.

(3) Nothing in this section shall preclude the voluntary negotiation of fair and reasonable relocation payments and assistance between the displaced person and condemning authority. If such negotiations lead to agreement between the displaced person and the condemning authority, that agreement shall be deemed fair and reasonable.

(4) Under circumstances where a displaced person demonstrates that receipt of such payments, in advance of the actual relocation, is required to enable the relocation and estimates are provided by the displaced person to the condemning authority that will allow such authority to estimate with reasonable accuracy the relocation payments, 75% of such amount shall be advanced to the displaced person or paid to third parties on behalf of the

displaced person to facilitate the relocation. Any remaining payment due will be made within 30 days after the relocation has been completed.

(b) This section shall be a part of and supplemental to article 35 of chapter 58 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 4. (a) Any displaced person entitled to benefits under this article may appeal by written notice to the state, agency or political subdivision a determination of relocation payments. If such an appeal is made to the state, agency or political subdivision within 60 days of the receiving notice of the determination being appealed, an independent hearing examiner shall be appointed by the state, agency or political subdivision within 10 days and a determination of the appeal made within 60 days. Any party wishing to appeal the ruling of the hearing examiner may do so by filing a written notice of appeal with the clerk of the district court within 30 days of the hearing examiner's decision. In the event any parties shall perfect an appeal to district court, copies of such notice of appeal shall be mailed to all parties affected by such appeal within three days after the date of perfection thereof. Any such appeal to district court shall be a trial de novo only on the issue of relocation benefits.

(b) This section shall be a part of and supplemental to article 35 of chapter 58 of the Kansas Statutes Annotated, and amendments thereto.”;

By renumbering sections accordingly;

Also on page 1, in line 38, by striking “is” and inserting “and K.S.A. 2003 Supp. 58-3502 are”;

In the title, in line 10, before “amending” by inserting “concerning relocation assistance”; also in line 10, after “26-504” by inserting “and K.S.A. 2003 Supp. 58-3502”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Rules and Journal** recommends **HB 2915** be amended on page 1, in line 30, by striking “section” and inserting “subsection”; also in line 30, by striking “and selection”; in line 31, before “majority” by inserting “and, as appropriate, for selection of”; 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 resolutions were thereupon introduced and read by title:

HB 2926, An act concerning the attorney general; authorizing transfers between certain funds, by Committee on Appropriations.

HB 2927, An act concerning the crime victims funds; amending K.S.A. 74-7336 and repealing the existing section, by Committee on Appropriations.

HB 2928, An act concerning motor fuel taxation; relating to rates of tax; sale of motor fuel, certain prohibited acts; civil penalties; duties of division of weights and measures and attorney general; private remedy; amending K.S.A. 2003 Supp. 79-3492b, 79-34,118, 79-34,141 and 79-34,142 and repealing the existing sections, by Committee on Taxation.

HB 2929, An act concerning the interstate water litigation fund; providing for a river master; amending K.S.A. 82a-1802 and repealing the existing section, by Committee on Appropriations.

HB 2930, An act concerning mortgage registration fees; amending K.S.A. 79-3102 and repealing the existing section, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. 5040—

By Committee on Health and Human Services

A CONCURRENT RESOLUTION urging the other 49 states to establish their own Mission of Mercy programs.

WHEREAS, Kansas recognizes that, like Kansas, each state's strength, success, vitality and health of its citizens and its communities depends in great measure upon volunteerism, and concerned and devoted programs such as Kansas' Mission of Mercy project; and

WHEREAS, With the help of Kansas' Governor and legislators passing a bill limiting the liability of dental professionals who volunteer for the Mission of Mercy projects, Kansas Mission of Mercy project became a reality; and

WHEREAS, The Kansas Dental Associations' Kansas Dental Charitable Foundation invested heavily in infrastructure to carry on successive Mission of Mercy projects; and

WHEREAS, The participation of 574 volunteers, including 81 dentists, 51 dental hygienists and 85 dental assistants provided \$554,000 in dental care to 1,734 patients at the first Kansas Mission of Mercy; and

WHEREAS, The participation of 863 volunteers, including 207 dentists, 128 dental hygienists and 153 dental assistants provided \$758,455 in dental care to 2,659 patients at the second Mission of Mercy; and

WHEREAS, Kansas' Mission of Mercy projects were organized by the Kansas Dental Association through the Kansas Dental Charitable Foundation with funds from dentists, private foundations and other private sources; and

WHEREAS, Kansas dentists, dental hygienists, dental assistants and citizen volunteers are caring and compassionate people; and

WHEREAS, The efforts and generosity of all the people involved made Kansas Mission of Mercy the world's largest free dental clinic drawing Kansas' citizens closer as a unit and improving the health, welfare and moral of Kansas citizenry; Now, therefore;

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the other 49 states be urged to adopt programs similar to or the same as the Kansas Mission of Mercy program; and

Be it further resolved: That the Secretary of State be directed to send an enrolled copy of this resolution to the governor and legislative leadership of each of the other 49 states.

HOUSE CONCURRENT RESOLUTION No. 5041—

By Committee on Taxation

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

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~~ 2005, 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~~ *eight* 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 <i>as otherwise provided and except</i> railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed	33%
(4)	<i>Public utility tangible personal property which is underground cables used for the transmission or distribution of electricity, telecommunications or other communications</i>	25%
(5)	<i>Public utility tangible personal property which is above ground cables used for the transmission or distribution of electricity, telecommunications or other communications</i>	50%
(6)	All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985	30%
(5)	(7) 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)	(8) 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 revise the current property tax system providing for the classification and assessment of all property subject to taxation at different percentages of value.

"A vote for this proposition would, as of January 1, 2005, continue the requirement that different classes of property are to be assessed for property tax purposes at different percentages of value. However, the following changes would be made with

regard to personal property: (1) The assessment rate for public utility tangible personal property which is underground transmission or distribution cables would be decreased from 33% to 25%; and (2) the assessment rate for public utility tangible personal property which is above ground transmission or distribution cables would be increased from 33% to 50%."

"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.

HOUSE CONCURRENT RESOLUTION No. 5042—

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, ~~1999~~ 2005, 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 that the appraised valuation of real property used for residential purposes shall be adjusted to an amount equal to the average of the appraised valuation of such real property when sold and the sales price of such real property when sold.* 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 require the legislature to provide that the appraised valuation of real property used for residential purposes be adjusted to an amount equal to the average of the appraised value of such real property when sold and the sales price of such real property when sold.

"A vote for this proposition would require the legislature to provide that the appraised valuation of real property used for residential purposes be adjusted to an amount equal to the average of the appraised value of such real property when sold and the sales price of such real property when sold.

"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.

CHANGE OF REFERENCE

Speaker pro tem Ballou announced the withdrawal of **HB 2917** from Committee on Appropriations and referral to Select Committee on Pensions.

MARCH 11, 2004

1267

Also, the withdrawal of **HB 2896** from Committee on Appropriations and referral to Committee on Taxation.

REPORT ON ENGROSSED BILLS

Sub. HB 2420; HB 2568, HB 2569 reported correctly engrossed March 10, 2004.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Friday, March 12, 2004.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

