

Journal of the House

SIXTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, January 30, 2001, 11:00 a.m.

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

The roll was called with 124 members present.

Rep. Kline was excused on verified illness.

Prayer by guest chaplain, the Rev. Steve Traw, pastor, First Christian Church, Iola, and guest of Rep. Dreher:

O Lord our God and Creator,

We bow recognizing You as all that is Holy and Sovereign.

We humbly acknowledge this, our blessed state begins this very day, its 141st year since then President Buchanan on January 29, 1861 signed the bill authorizing this land and its people statehood as the 34th state of our great Republic.

We lift before you these elected Representatives from across this State in the Heartland of America. May their decisions be of a wisdom and foresight evident of your leading, O Lord.

May the words of the first President touch anew our hearts: "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports."

We do come with grateful hearts, Lord, to ask your continued blessing for this, our 141st year and beyond, knowing the promise of your Holy Word, "call upon Me and come and pray to Me, and I will listen to you; you will seek Me and find Me when you seek with all your heart."

With such guidance, may all the efforts and decisions of these gathered as the Representatives of our State honor You, O Lord.

In the name do the Lord Jesus we pray. Amen.

The Pledge of Allegiance was led by Rep. Bethell.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2199, HB 2200, HB 2202.**

Business, Commerce and Labor: **HB 2206.**

Education: **HB 2187.**

Environment: **HB 2198.**

Ethics and Elections: **HB 2197.**

Federal and State Affairs: **HB 2195, HB 2203; HR 6007.**

Financial Institutions: **HB 2193.**

Higher Education: **HB 2188, HB 2189, HB 2190.**

Insurance: **HB 2196.**

Judiciary: **HB 2194.**

Local Government: **HB 2192.**

New Economy: **HB 2204, HB 2205.**

Taxation: **HB 2201**.

Transportation: **HB 2191**.

CONSENT CALENDAR

No objection was made to **HB 2004**, **HB 2048** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2036** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2016** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2016, An act concerning Wichita state university; revising certain definitions and statutory provisions applicable to the university; amending K.S.A. 76-116d, 76-156a and 76-756 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Kline.

The bill passed.

HB 2031, An act concerning insurance; relating to risk-based capital requirements; amending K.S.A. 40-2c01 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Kline.

The bill passed.

HB 2032. An act concerning professional malpractice liability screening panels; relating to providing copies of opinions to the insurance commissioner; amending K.S.A. 2000 Supp. 60-3505 and 65-4904 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Kline.

The bill passed.

On motion of Rep. Weber, the House went into Committee of the Whole, with Rep. Reardon in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2033** be adopted; and the bill be passed as amended.

On motion of Rep. Dahl to amend **HR 6006**, the motion did not prevail and the resolution be adopted.

Committee report to **HB 2001** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Financial Institutions** recommends **HB 2146**, **HB 2147**, be passed.

The Committee on **Financial Institutions** recommends **HB 2149** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Financial Institutions** recommends **HB 2148** be amended on page 2, in line 5, by striking "signatures are those of"; in line 6, by striking "all" and inserting "signature is that of the corporate trustee or the signature or signatures of one or more of"; and the bill be passed as amended.

The Committee on **Rules and Journal** recommends **SCR 1603** be adopted.

The Committee on **Utilities** recommends **HB 2010** be amended on page 5, in line 2, after "property" by inserting "which is"; in line 3, after "technologies" by inserting "and which was so used prior to July 1, 2001"; in line 4, by striking "section" and inserting "paragraph and the twelfth paragraph"; in line 6, before "The" by inserting:

"*Twelfth.* For all taxable years commencing after December 31, 2000, all property which is actually and regularly used predominantly to produce and generate electricity utilizing renewable energy resources or technologies and which was not so used prior to July 1, 2001."; and the bill be passed as amended.

The Committee on **Utilities** recommends **HB 2099** be amended on page 2, in line 3, by striking all after the second "carrier"; in line 4, by striking all before the semicolon; 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 2207. An act concerning criminal procedure; relating to abatement of common nuisances; amending K.S.A. 22-3901 and repealing the existing section, by Representative Loyd.

HB 2208. An act concerning district magistrate judges; relating to the jurisdiction thereof; amending K.S.A. 2000 Supp. 20-302b and repealing the existing section; also repealing K.S.A. 2000 Supp. 20-302d, by Representative Loyd.

HB 2209. An act relating to title insurance; requiring certain disclosures and prohibiting certain practices; amending K.S.A. 40-2404 and repealing the existing section, by Committee on Insurance.

HB 2210. An act concerning distribution and control of drugs in certain facilities; amending K.S.A. 65-1648 and repealing the existing section, by Committee on Health and Human Services.

HB 2211. An act regarding disabled persons; relating to guide dogs and assistance dogs; establishing an accreditation board; amending K.S.A. 39-1101, 39-1102, 39-1103, 39-1105, 39-1108 and 39-1109 and repealing the existing sections, by Committee on Health and Human Services.

HB 2212. An act concerning civil procedure; relating to records; amending K.S.A. 60-465 and repealing the existing section, by Representative Loyd.

HB 2213. An act concerning elections; relating to election procedures; amending K.S.A. 25-205, 25-302a, 25-303, 25-1122, 25-2309, 25-3602, 25-4306, 25-4310 and 25-4320 and repealing the existing sections, by Committee on Ethics and Elections.

HB 2214. An act concerning elections; relating to certain recounts of ballots; amending K.S.A. 25-3107 and repealing the existing section, by Committee on Ethics and Elections.

HB 2215. An act concerning elections; relating to ballots; relating to county canvassers; relating to precinct persons; amending K.S.A. 25-205, 25-213, 25-413, 25-611, 25-616, 25-618, 25-3102 and 25-3801 and repealing the existing sections, by Committee on Ethics and Elections.

HB 2216. An act concerning the state gaming agency; relating to the financing of the operations thereof; relating to the powers and duties thereof; relating to the officers and employees thereof; amending K.S.A. 2000 Supp. 74-9803, 74-9804, 74-9805 and 74-9808 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2217. An act concerning school districts; relating to transportation of nonresident pupils; amending K.S.A. 2000 Supp. 72-1046b, 72-8303 and 72-8309 and repealing the existing sections, by Representative Aurand.

HB 2218. An act concerning retirement; relating to the Kansas public employees retirement system; employment after retirement; amending K.S.A. 2000 Supp. 74-4914 and repealing the existing section, by Representative Tanner.

HB 2219. An act repealing K.S.A. 2000 Supp. 74-8017, relating to annual reports concerning certain tax incentive effectiveness, by Committee on Taxation.

HB 2220. An act relating to property taxation; concerning the valuation of certain property; amending K.S.A. 2000 Supp. 79-1460 and repealing the existing section, by Committee on Taxation.

HB 2221. An act relating to sales taxation; authorizing Riley county to impose countywide tax for economic development initiative and infrastructure purposes; amending K.S.A. 2000 Supp. 12-187 and repealing the existing section, by Committee on Taxation.

HB 2222. An act relating to placing limitations on supersedeas bonds; amending K.S.A. 60-3004 and K.S.A. 2000 Supp. 60-2103 and repealing the existing sections, by Representative T. Powell.

HB 2223. An act concerning public officers and employees; relating to drug testing; amending K.S.A. 2000 Supp. 75-4362 and repealing the existing section, by Committee on Business, Commerce and Labor.

HB 2224. An act concerning the negotiation and approval of gaming compacts; amending K.S.A. 46-2302 and repealing the existing section, by Representative Findley.

HOUSE CONCURRENT RESOLUTION No. 5008—

By Committee on Environment

A CONCURRENT RESOLUTION urging the Congress of the United States to provide funding to the United States Army Corps of Engineers to study reallocation of storage space from the flood control pool to the conservation pool in John Redmond Lake in Coffey County, Kansas.

WHEREAS, The United States Army Corps of Engineers constructed John Redmond Dam on the Neosho River in Coffey County, Kansas, for the purposes of flood control, water supply, water quality, recreation and fish and wildlife; and

WHEREAS, The State of Kansas signed contracts with the United States Army Corps of Engineers in 1975 and 1996 for the purchase of all available water supply storage space in the conservation pool of John Redmond Lake; and

WHEREAS, The State of Kansas has signed contracts with users for water supply from storage space in the conservation pool of John Redmond Lake; and

WHEREAS, Article 1 paragraph (f) of federal contract DACW56-75-C-0029 and Article 1 paragraph (e) (1) of federal contract DACW56-96-WS-0003 both indicate sedimentation surveys will be completed by the United States Army Corps of Engineers “at intervals not to exceed fifteen (15) years”, and when “the findings of such survey indicate any Project purpose will be affected by unanticipated sediment distribution, there shall be an equitable redistribution of the sediment reserve storage space among the purposes served by the Project including” industrial and municipal water supply; and

WHEREAS, Hydrographic surveys of John Redmond Lake indicate that the conservation pool, and corresponding water supply storage space, is filling with sediment faster than was estimated during design of the lake; and

WHEREAS, Surveys of the storage contained in John Redmond Lake indicate sediment is entering the flood control pool more slowly than estimated during the design of the lake; and

WHEREAS, A reallocation of storage from the flood control pool to the conservation pool would allow for a more equitable distribution of storage and sediment between the pools and allow the State of Kansas to meet the needs of users for a longer period of time: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature of the State of Kansas urges the Congress of the United States to provide funding to the United States Army Corps of Engineers to study reallocating storage space from the flood control pool to the conservation pool in John Redmond Lake in Coffey County, Kansas; and

Be it further resolved: That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, George W. Bush; the Chairman of the United States Senate Energy and Water Development Subcommittee, c/o Committee on Appropriations, United States Senate, S-128, The Capitol, Washington, D.C. 20510; the Chairman of the United States House of Representatives Energy and Water Development Subcommittee, 2362 Rayburn House Office Building, Washington, D.C. 20515-6020; and each member of the Kansas Congressional Delegation.

HOUSE CONCURRENT RESOLUTION No. 5009—

By Committee on Environment

A CONCURRENT RESOLUTION urging the Congress of the United States to address the conservation and preservation of the High Plains Aquifer.

WHEREAS, The High Plains Aquifer is the most important water resource in the eight-state High Plains Region, including Kansas; and

WHEREAS, The water tables of the High Plains Aquifer in Kansas, particularly in the Ogallala portion, have declined dramatically over the past four decades; and

WHEREAS, The projected depletion of the High Plains Aquifer will require the necessary transition to dryland farming for many areas of Kansas; and

WHEREAS, The State is addressing the groundwater depletion through conservation programs and new management approaches; and

WHEREAS, The federal farm program has a significant impact on farmers' agricultural practices; and

WHEREAS, Some of the farm program costs to the government could be transferred as incentives to the farmers to convert irrigated land to dryland and other conservation actions instead of price supports for excess productions; and

WHEREAS, Much of the western Kansas economy is based on irrigated agriculture, and assistance is needed to transition the economy as well as conserve and preserve the High Plains Aquifer: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature of the State of Kansas urges the Congress of the United States to take action to conserve and preserve the High Plains Aquifer consistent with the recommendation contained in the Kansas Water Office Committee Report on Federal Actions Necessary for the Conservation and Environmental Preservation of the High Plains Aquifer dated October 27, 2000; and

Be it further resolved: That the Secretary of State is directed to send enrolled copies of this resolution and the Committee Report to the President of the United States, George W. Bush; Senator Richard G. Lugar, Chairman, United States Senate Committee on Agriculture, Nutrition and Forestry, Room 328A, Russell Senate Office Building, Washington, D.C. 20510-6000; Representative Larry Combest, Chairman, United States House Committee on Agriculture, 1301 House Office Building, Washington, D.C. 20515; The United States Secretary of Agriculture Ann M. Veneman; and each member of the Kansas Congressional Delegation.

HOUSE CONCURRENT RESOLUTION No. 5010—

By Committee on Taxation

A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas, relating to the classification of land devoted to recreational use.

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 11¹/₂%
- (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 land which is devoted to recreational use, and which real property or land is included in this subclass by law..... 12%
- (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed 33%
- (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use..... 25%
- (7) All other urban and rural real property not otherwise specifically subclassified 30%

Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Mobile homes used for residential purposes..... 11 1/2%
- (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 reclassify land devoted to recreational use if so provided by law.

“A vote for this proposition would allow the enactment of law providing for the reclassification of land devoted to recreational use from subclass (7) to subclass (4) of class 1, thereby reducing the assessment rate to be applied for property tax purposes from 30% to 12%.

“A vote against this proposition would continue the application of the existing assessment rate of 30% to land devoted to recreational use for property tax purposes.”

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 5, 2002.

On motion of Rep. Weber, the House adjourned until 10:30 a.m., Wednesday, January 31, 2001.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

