

Journal of the House

TWENTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 6, 2001, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Kauffman was excused on verified illness.

Reps. Cox and Wilson were excused on excused absence by the Speaker.

Prayer by Chaplain Svoboda-Barber:

Loving God

be with us today in our decisions.

Help us to care for your creation

as you would care for it yourself.

Help us to care for your people

as you would care for them yourself.

And also, help us to care for ourselves

as you do care for us.

I ask these things in your name. Amen.

The Pledge of Allegiance was led by Rep. Ray.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2335. An act concerning teachers; providing for initial licensure upon completion of the alternate teacher preparation program, by Representatives Landwehr, DeCastro and Huebert.

HB 2336. An act concerning school district finance; relating to local option budgets; revising the definition of state prescribed percentage; amending K.S.A. 2000 Supp. 72-6433 and repealing the existing section; also repealing K.S.A. 2000 Supp. 72-6444, by Representatives DiVita and Ray, Ballou, Benlon, Campbell, Cook, Cox, Glasscock, Gordon, Huebert, Huff, Lane, Lightner, Lloyd, Merrick, Judy Morrison, Newton, Novascone, Patterson, Storm, Tomlinson, Toplikar, and D. Williams..

HB 2337. An act creating the Kansas advisory council on intergovernmental relations; prescribing the powers and duties thereof, by Committee on Local Government.

HB 2338. An act establishing the school district interlocal cooperation for the sharing of administrative staff grant program, by Committee on Education.

HB 2339. An act concerning civil procedure; relating to appellate court decisions; amending K.S.A. 60-2106 and repealing the existing section, by Representative Loyd (By request).

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HB 2278, HB 2279, HB 2280, HB 2281, HB 2287, HB 2331.**

Appropriations: **HB 2283, HB 2305.**

Business, Commerce and Labor: **HB 2300, HB 2301, HB 2302, HB 2303, HB 2304, HB 2320.**

Education: **HB 2284, HB 2288, HB 2289, HB 2319, HB 2321, HB 2325.**

Environment: **HB 2316, HB 2317.**

Ethics and Elections: **HB 2299, HB 2334.**

Federal and State Affairs: **HB 2311, HB 2330.**

Health and Human Services: **HB 2285, HB 2313, HB 2314, HB 2315, HB 2324.**

Higher Education: **HB 2312.**

Insurance: **HB 2306, HB 2322.**

Judiciary: **HB 2296, HB 2297, HB 2298, HB 2327, HB 2328, HB 2329, HB 2332, HB 2333.**

Local Government: **HB 2326.**

New Economy: **HB 2286.**

Taxation: **HB 2282, HB 2292, HB 2293, HB 2294, HB 2295, HB 2310, HB 2323** (separately).

Transportation: **HB 2290, HB 2291.**

Utilities: **HB 2307, HB 2308, HB 2309, HB 2318, HB 2323** (separately); **HCR 5012.**

CHANGE OF REFERENCE

Speaker Glasscock announced the withdrawal of **HCR 5011** from Committee on Taxation and referral to Committee on Tourism.

COMMUNICATIONS FROM STATE OFFICERS

From Judge Frank J. Yeoman, Jr., Board of Directors, Kansas Guardianship Program, 2000 Annual Report.

From the Department of Administration, Division of Accounts and Reports, Monthly Financial Perspective for October, 2000.

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2038. An act concerning economic development; relating to state gaming revenues; revenues and operations of the Kansas lottery; creating the airport services improvement fund; amending K.S.A. 74-8702, 74-8722 and 79-4801 and K.S.A. 2000 Supp. 74-8710, 74-8718, 74- 8723, 74-9802 and 79-4701 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 82; Nays 40; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Crow, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Findley, Flaharty, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henry, Hermes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Klein, Kline, Landwehr, Lane, Levinson, Light, Lightner, Loganbill, Loyd, Mayans, Mays, McCreary, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Newton, Novascone, O'Brien, O'Neal, Osborne, Palmer, Patterson, E. Peterson, J. Peterson, Pottorff, T. Powell, Ray, Ruff, Schwartz, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Toelkes, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk.

Nays: Alldritt, Ballou, Burroughs, Cook, Dahl, Faber, Feuerborn, Flora, Freeborn, Garner, Henderson, Holmes, Howell, Krehbiel, Kuether, Larkin, Lloyd, M. Long, P. Long, Mason, McClure, McKinney, Miller, Minor, Neufeld, Nichols, Ostmeyer, Pauls, Phelps, L. Powell, Powers, Pyle, Reardon, Rehorn, Sharp, Thimesch, Vickrey, D. Williams, J. Williams, Winn.

Present but not voting: None.

Absent or not voting: Cox, Kauffman, Wilson.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Tanner, Committee of the Whole report, as follows, was adopted:
 Recommended that **HB 2169**, **HB 2074** be passed.
 Committee report to **HB 2056** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Federal and State Affairs** recommends **HB 2105** be passed.

The Committee on **Tourism** recommends **HB 2098** be amended on page 7, in line 1, after the period by inserting the following: "Evidence of a business relationship includes, without limitation, advertisement of the guide services, written agreement of the terms of payment or services provided by an employee of a commercial guide.";

On page 9, in line 21, by striking all after "(3)"; by striking all of line 22, in line 23, by striking "(4)"; in line 25, by striking "(5)" and inserting "(4)"; before line 26 by inserting the following:

"(p) In addition to any other penalty prescribed by law, the secretary, in accordance with the Kansas administrative procedure act, shall refuse to issue or renew and shall suspend or revoke a commercial guide permit or an associate guide permit if the secretary finds that the applicant has been convicted of a felony involving violence or the use of weapons.";

And relettering subsections accordingly; and the bill be passed as amended.

The Committee on **Utilities** recommends **HB 2034** be amended on page 1, in line 22, by striking "Exchange access" and inserting "Access"; in line 24, after "access" by inserting "or cable telephony access"; in line 25, by striking "a" and inserting "an exchange telephone";

On page 2, in line 1, by striking "services" and inserting "service, cable telephony service"; in line 3, by striking "or wireless" and inserting ", cable telephony service or wireless service"; by striking all in lines 15 through 17; in line 31, by striking all after the period; by striking all in line 32; in line 33, by striking all before "The"; in line 34, after "service" by inserting ", \$.75 per month per cable telephony access line or its equivalent for cable telephony service";

On page 3, in line 13, by striking all after the first "tax"; in line 14, by striking "wireless service"; in line 15, before "The" by inserting "The extension of the tax to cable telephony service or wireless service shall not be subject to such protest petition."; in line 33, after "service" by inserting "and cable telephony service"; also in line 33, after "lines" by inserting "or cable telephony access lines."; in line 37, by striking "place of primary use" and inserting "customer's billing address";

On page 4, after line 14, by inserting:

"(i) No tax shall be imposed pursuant to this section on a wireless connection used for remote control purposes and capable of accessing only one number.";

Also on page 4, in line 32, by striking all after the period; by striking all in lines 33 through 37 and inserting: "Other costs which are incurred by a service supplier and are not recovered through tariff rates or customer charges of the supplier may, at the discretion of the governing body, be recovered, subject to negotiation with the governing body, but any recovery of such other costs shall be made equally available to exchange telephone service suppliers, cable telephony service suppliers and wireless service suppliers.";

On page 5, in line 15, by striking "wireless carrier" and inserting "service supplier"; in line 17, by striking "wireless carrier" and inserting "service supplier"; in line 18, by striking "wireless service carrier" and inserting "service supplier"; in line 19, by striking "wireless carriers" and inserting "service suppliers"; in line 22, by striking "wireless carrier" and inserting "service supplier"; in line 35, by striking the semicolon and inserting "and"; in line 39, by striking "; (5) en-"; by striking all of line 40; in line 41, by striking all before "costs" and inserting "; or (5)";

On page 6, by striking all in lines 1 through 5 and inserting:

"(c) A governing body shall maintain a separate accounting of emergency telephone tax revenues and expenditures based on whether they are attributable to telephone exchange service, cable telephony service or wireless service but the governing body may expend such

revenues without regard to whether they are attributable to telephone exchange service, cable telephony service or wireless service.

(d) A governing body that imposes an emergency telephone tax on wireless service shall implement phase 1 of wireless enhanced 911 service, as defined by the federal communications commission on the effective date of this act, within 24 months after the date such tax is first imposed. If such service is not implemented within that time, imposition of the emergency telephone tax on wireless service shall be suspended until such time as phase 1 of wireless enhanced 911 service is implemented.”;

Also on page 6, in line 7, by striking “A public agency shall not” and inserting “No public agency or service supplier shall”; in line 11, by striking all after “(b)””; by striking all of lines 12 through 17; in line 18, by striking all before the comma and inserting “No service supplier”; in line 19, by striking all after “assigns”; in line 20, by striking all before “which” and inserting “or agents, shall be liable for any form of damages”; also in line 20, by striking “results” and inserting “result”; in line 21, by striking “is” and inserting “are”; after line 23, by inserting:

“(c) Each service supplier shall design, maintain and operate the supplier’s facilities so as to maximize direct delivery of each 9-1-1 call to the PSAP of the jurisdiction in which the 9-1-1 call is placed.

New Sec. 6. (a) There is hereby established a wireless enhanced 9-1-1 advisory board.

(b) The board shall consist of:

(1) Six members, one each designated by the following: The Kansas association of counties, the league of Kansas municipalities, the Kansas highway patrol, the Kansas association of fire chiefs, the Kansas association of chiefs of police and the Kansas emergency medical services board;

(2) one person with a communications disability designated by the Kansas commission for the deaf and hard of hearing; and

(3) three members appointed by the governor to represent the general public;

(4) four members appointed by the governor, one each to represent the following: Large wireline telephone companies, rural independent telephone companies, cable telephony companies and wireless service providers.

(c) The board shall elect annually one member to serve as chairperson and one member to serve as vice-chairperson.

The board shall meet at least once in each calendar quarter and at such other times as may be necessary upon call of the chairperson or upon written request of a majority of the members of the board.

(d) The board shall assist and advise local governments and PSAP operators in the implementation and operation of wireless enhanced 9-1-1 services, including, but not limited to, policy, training and education.”;

By renumbering the remaining sections accordingly;

In the title, in line 9, before “financing” by inserting “extension of such systems to include wireless service and cable telephony service; providing for”; in line 10, before “amending” by inserting “establishing a wireless enhanced 9-1-1 advisory board;”; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2340. An act concerning workers compensation; relating to payment of benefits and premiums thereunder; amending K.S.A. 44-501, 44-510h and 44-532 and repealing the existing sections, by Representative Swenson.

HB 2341. An act concerning health care; establishing the managed care responsibility act, by Representatives Swenson, Barnes, Flaharty, Gilbert, Kirk, Levinson, E. Peterson, Ruff, Toelkes and Welshimer.

HB 2342. An act concerning public officers and employees; relating to random drug testing of employees in safety sensitive positions, by Representative Larkin (By Request).

HB 2343. An act concerning accountants; related to peer review and permits; amending K.S.A. 2000 Supp. 1-302b, 1-310, 1-311, 1-312, 1-321 and 1-501 and repealing the existing sections, by Committee on Business, Commerce and Labor.

HB 2344. An act concerning crimes and punishment; relating to criminal disposal of firearms; amending K.S.A. 2000 Supp. 21-4203 and repealing the existing section, by Representative D. Williams.

HB 2345. An act concerning retail natural gas bills to consumers; providing for disclosure of certain components, by Committee on Utilities.

HB 2346. An act concerning the Kansas public employees retirement system and systems thereunder; relating to a postretirement benefit adjustment; employer contribution rates; amending K.S.A. 2000 Supp. 74-4920 and repealing the existing section, by Committee on Appropriations.

HB 2347. An act concerning hunting on controlled shooting areas; amending K.S.A. 32-919, 32-946 and 32-988 and repealing the existing sections, by Committee on Environment.

HB 2348. An act relating to foster homes; concerning placement of children in foster homes, by Representative Horst.

HB 2349. An act requiring the legislative educational planning committee to conduct a study of the state system for delivery of vocational and technical education, by Committee on Higher Education.

HB 2350. An act concerning elections; relating to certain recounts of ballots; amending K.S.A. 25-3107 and repealing the existing section, by Representative Benlon.

HB 2351. An act concerning teacher certification; relating to teachers holding certificates valid in other states; amending K.S.A. 72-1396 and repealing the existing section, by Representative Pottorff.

HB 2352. An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employment after retirement; amending K.S.A. 2000 Supp. 74-4914 and repealing the existing section, by Representative Pottorff.

HOUSE CONCURRENT RESOLUTION No. 5013—

By Committee on Utilities

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

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~~ 2003, 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 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%~~ 25%
- (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 11¹/₂%
- (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%~~ 25%
- (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 change the assessment rate for property of public utilities for property tax purposes.

"A vote for this proposition would decrease the assessment rate for property of public utilities for property tax assessment rate purposes from 33% to 25%.

"A vote against this proposition would continue the existing 33% property tax assessment rate for public utilities.

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 August 6, 2002, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REPORT ON ENGROSSED BILLS

HB 2038 reported correctly engrossed February 6, 2001.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Wednesday, February 7, 2001.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

