

# Journal of the House

FORTY-EIGHTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, March 16, 2001, 10:30 a.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair.

The roll was called with 97 members present.

Rep. Kline was excused on verified illness.

Reps. Howell, Krehbiel, Palmer and Weber were excused on legislative business.

Reps. Alldritt, Ballard, Barnes, Burroughs, Compton, Crow, Divita, Gilbert, Henderson, Lightner, M. Long, O'Neal, Patterson, E. Peterson, Powers, Ray, Reardon, Rehorn, Ruff, Sharp, Swenson, Toelkes and Welshimer were excused on excused absence by the Speaker.

Prayer by Mr. Greg Hurd, Presbyterian Candidate for Ministry, Lawrence, and guest of Rep. Sloan:

Almighty God  
We come as we are  
Women and Men serving your children  
in Kansas.  
We come as people with daily needs  
and with unspoken needs as well.  
Hear our hearts.  
Grant us light for our darkness  
Courage for our doubts  
Hope for our despair  
Strength for our weakness  
Wisdom for our questions  
Forgiveness for our mistakes  
Loving God grant these your servants  
in the Legislature  
Your help, guidance and protection.  
Bless all those governing here today  
That their service may be done  
Wisely, mercifully and justly—  
Service to help and to heal, to build and to sow.  
Strengthen them  
to use their authority to your glory  
and for the welfare of your people.  
We pray to you O God.  
Amen

The Pledge of Allegiance was led by Rep. Pottorff.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Federal and State Affairs: **Sub. SB 328**.

Insurance: **SB 193**.

Judiciary: **SB 263**.

Taxation: **SB 146, SB 231**.

**COMMUNICATIONS FROM STATE OFFICERS**

From Mark S. Beck, Director of Property Valuation, Department of Revenue, as required by K.S.A. 1996 Supp. 79-1490, 2000 Preliminary Real Estate Appraisal/Sales Ratio Study.

From Bob L. Corkins, President, Kansas Public Policy Institute, A Real Student-Centered Focus for Kansas K-12 Finance.

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

**MESSAGES FROM THE SENATE**

Announcing passage of **SB 151, SB 159, SB 177, SB 334.**

Also, announcing passage of **Sub. SB 279; Sub. SB 330.**

The Senate nonconcurrs in House amendments to **SB 37**, requests a conference and has appointed Senators Tyson, Corbin and Lee as conferees on the part of the Senate.

The Senate adopts conference committee report on **SB 178.**

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

The following Senate bills were thereupon introduced and read by title:

**SB 151, SB 159, SB 177; Sub. SB 279; Sub. SB 330; SB 334.**

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Ballou, the House acceded to the request of the Senate for a conference on **SB 37.**

Speaker pro tem Aurand thereupon appointed Reps. Freeborn, Myers and Flora as conferees on the part of the House.

**CONSENT CALENDAR**

Objection was made to **HB 2515** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 8** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2543; SB 41, SB 73** appearing on the Consent Calendar for the second day.

No objection was made to **SB 47, SB 212** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

Speaker pro tem Aurand announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over today.

**MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Boston, the House nonconcurrred in Senate amendments to **HB 2015** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Boston, Jim Morrison and Showalter as conferees on the part of the House.

On motion of Rep. Boston, the House nonconcurrred in Senate amendments to **HB 2127** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Boston, Jim Morrison and Showalter as conferees on the part of the House.

On motion of Rep. T. Powell, the House nonconcurrred in Senate amendments to **Sub. HB 2129** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. T. Powell, Powers and Wilson as conferees on the part of the House.

**REPORTS OF STANDING COMMITTEES**

The Committee on **Ethics and Elections** recommends **Substitute for HB 2489** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2489," as follows:

"Substitute for HOUSE BILL No. 2489  
By Committee on Ethics and Elections

"AN ACT concerning state officers and employees; concerning governmental ethics; amending K.S.A. 46-229, 46-237, 46-269 and 46-271 and repealing the existing sections; also repealing K.S.A. 46-237a."; and the substitute bill be passed

**(Sub. HB 2489)** was thereupon introduced and read by title.

The Committee on **Transportation** recommends **SB 55**, as amended by Senate Committee, be passed.

The Committee on **Transportation** recommends **SB 56** be amended on page 4, in line 2, by striking "that statute" and inserting "those statutes"; in line 5, by striking "those statutes" and inserting "that statute"; and the bill be passed as amended.

#### REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

**Request No. 127**, by Representative Dreher, congratulating Kasey Hays for being named to Phi Eta Sigma National Honor Society;

**Request No. 128**, by Representative Dreher, congratulating Ollie Veteto in honor of her 101st birthday;

**Request No. 129**, by Representative Dreher, congratulating the Lebo girls' basketball team for being the 1A state champions;

**Request No. 130**, by Representative Osborne, congratulating Gail and Barbara Dexter in honor of their 50th wedding anniversary;

**Request No. 131**, by Representative Osborne, congratulating Marvin and Patsy Johnson in honor of their 50th wedding anniversary;

**Request No. 132**, by Representative T. Powell, congratulating Joshua Philip Neu and Caleb Andrew Neu on becoming citizens of the United States;

**Request No. 133**, by Representative T. Powell, congratulating Hiroshi and Chieko Takaku for their work in promoting friendship and understanding between the peoples of Kansas and Japan;

**Request No. 134**, by Representative T. Powell, congratulating Hannah-Grace Kei Gorman and Anna Faith Gorman on becoming citizens of the United States;

**Request No. 135**, by Representative Bethell, commending Jackie Stiles for her achievements as a student athlete;

**Request No. 136**, by Representative Vickrey, commending Crystal Hamilton for saving the life of a young mother of three children;

**Request No. 137**, by Representative Kauffman, congratulating Erin Jackson and Josh Nisly on advancing to the state spelling bee;

**Request No. 138**, by Representative Hermes, commending Linda Wood for her seven and one half years of service to the state of Kansas with the Kansas Development Finance Authority as a senior financial analyst;

**Request No. 139**, by Representative Gordon, congratulating Clifford and Nancy Myers in honor of their 50th wedding anniversary;

**Request No. 140**, by Representative Campbell, congratulating Justin Parsram Venkatsammy on achieving the rank of Eagle Scout;

**Request No. 141**, by Representative P. Long, commending Principal Stan Mitchell in recognition of his being named General Education Administrator of the Year;

**Request No. 142**, by Representative P. Long, commending Esther Wilson for her many years of service to the Moline library;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Ballou, the committee report was adopted.

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 2567.** An act relating to the taxation of insurance companies; concerning certain credits therefrom; amending K.S.A. 40-252d and repealing the existing section, by Committee on Taxation.

**HB 2568.** An act concerning workforce development; establishing the workforce development loan program; concerning employment security law, establishing certain funds and transfers; relating to certain postsecondary programs; amending K.S.A. 44-710a and 72-4433 and repealing the existing sections, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. 5026—

By Representatives Glasscock, Aday, Ballou, Beggs, Compton, Cook, Dahl, DeCastro, Edmonds, Gordon, Hermes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Landwehr, Lightner, Lloyd, P. Long, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Judy Morrison, Myers, Novascone, O’Neal, Osborne, Palmer, Patterson, Pottorff, T. Powell, Shultz, Tanner, Toplikar, Vickrey, Weber, Wilk and D. Williams

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

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

**“§ 1. System of taxation; classification; exemption** (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, 1993, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. *The legislature may provide by law for limitations upon the increase from one taxable period to the next such period of the appraised valuation of all or any subclass of real property.* 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 ..... 11 1/2%
- (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%
- (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 allow the legislature to provide limitations upon the increase of the appraised valuation of real property subject to taxation.

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

"A vote against this proposition would maintain the current system of property taxation."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or

appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election to be held on November 5, 2000.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6012—

By Representatives Glasscock, Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Divita, Dreher, Edmonds, Faber, Freeborn, Gordon, Hayzlett, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kline, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Schwartz, Shultz, Sloan, Stone, Swenson, Tafanelli, Tanner, Tomlinson, Toplikar, Vickrey, Weber, Wilk and D. Williams

A RESOLUTION urging each member of the Kansas Congressional delegation to support the passage of President Bush's Agenda for Tax Relief.

WHEREAS, Federal taxes are the highest they have ever been during peacetime; and

WHEREAS, All taxpayers should be allowed to keep more of their own money; and

WHEREAS, The best way to encourage economic growth is to cut marginal tax rates across all tax brackets; and

WHEREAS, Under current tax law, low-income workers often pay the highest marginal rates; and

WHEREAS, President Bush's tax relief plan will contribute to raising the standard of living for all Americans; and

WHEREAS, President Bush's tax relief plan will increase access to the middle class for hard working families, treat all middle class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education; and

WHEREAS, Under President Bush's tax relief plan, the largest percentage reductions will go to the lowest-income earners: Now therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we urge each member of the Kansas Congressional delegation to strongly support and work for the passage of President Bush's tax relief plan; and

*Be it further resolved:* That the Secretary of State be directed to send an enrolled copy of this resolution to each member of the Kansas Congressional delegation.

#### REPORT ON ENGROSSED BILLS

**HB 2067, HB 2473; Sub. HB 2532** reported correctly engrossed March 15, 2001.

#### REPORT ON ENROLLED BILLS

**HB 2004, HB 2038, HB 2149, HB 2210, HB 2457** reported correctly enrolled, properly signed and presented to the governor on March 16, 2001.

On motion of Rep. Ballou, the House adjourned until 11:00 a.m., Monday, March 19, 2001.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

