

Journal of the House

SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 18, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 121 members present.
Reps. Flora, Krehbiel and Kuether were excused on verified illness.
Rep. McCreary was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Almighty and everlasting God, Author of liberty, giver of gifts; we praise your holy name and join with the great cloud of witnesses in our prayers of thanksgiving and worship.

Give us power and wisdom today to use the gifts that are assembled in this body and the gifts that each of us possesses. Bless the gifts of oratory: that those who speak might illuminate rather than confuse. Bless the gifts of compassion: that those who care deeply might remind us all of those who are too easily forgotten. Bless the gifts of stewardship: that those who exercise responsibility might help us all wisely use the resources that you have provided. Bless the gifts of consultation and conversation: that those who seek understanding and compromise might, by their example, show us the way to act together. And bless the gifts of leadership, Lord, that those who guide and lead us might do so with wisdom, grace and humility looking not to self but to others and to you.

Lord, we your people stand in the midst of untold richness and blessing. Now, in your mercy, give us the will to use our gifts. Amen.

The Pledge of Allegiance was led by Rep. Siegfried.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2626, An act relating to missing and unidentified persons; amending K.S.A. 75-712b, 75-712c and 75-712d and repealing the existing sections, by Representative Judy Morrison.

HB 2627, An act concerning street gangs; relating to criminal conduct; creating a civil cause of action; common nuisances; forfeiture; amending K.S.A. 60-4104 and K.S.A. 2005 Supp. 22-3901 and repealing the existing sections, by Representative Huebert.

HB 2628, An act relating to motor vehicles; concerning the license plates; amending K.S.A. 2005 Supp. 8-132 and repealing the existing section, by Committee on Transportation.

HB 2629, An act regulating traffic; concerning the size limitations of certain vehicles; amending K.S.A. 8-1904 and repealing the existing section, by Committee on Transportation.

HB 2630, An act regulating traffic; concerning the weight limitations of certain vehicles; amending K.S.A. 8-1909a and repealing the existing section, by Committee on Transportation.

HB 2631, An act relating to motor vehicles; concerning firefighter license plates; amending K.S.A. 2005 Supp. 8-1,155 and repealing the existing section, by Committee on Transportation.

HB 2632, An act regulating traffic; requiring back-up lamps on certain vehicles; amending K.S.A. 8-1718 and repealing the existing section, by Committee on Transportation

HB 2633, An act relating to drivers' licenses; providing for the issuance of a hardship license, by Committee on Transportation.

HB 2634, An act concerning certain school districts; relating to the assessed valuation thereof, by Representatives Hayzlett and Light.

HB 2635, An act relating to motor vehicles; allowing certain eligible persons to park in accessible parking spaces, by Committee on Transportation.

HB 2636, An act concerning the creation of certain cooperatives; providing for generation and purchase of renewable energy; authorizing certain sales of such energy, by Committee on Utilities (By request of Select Joint Committee on Energy).

HB 2637, An act concerning income taxation; providing certain credits for energy efficiency expenditures, by Committee on Utilities (By request of Select Joint Committee on Energy).

HB 2638, An act enacting the regional coordination in planning and siting of electric transmission lines act; repealing K.S.A. 2005 Supp. 74-633, by Committee on Utilities.

HB 2639, An act concerning alcoholic beverages; relating to qualifications for certain licenses; amending K.S.A. 2005 Supp. 41-311 and 41-2623 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2640, An act concerning sales taxation; relating to sales of new motor vehicles; taxation of rebates; amending K.S.A. 2005 Supp. 79-3602 and repealing the existing section, by Representative Huff.

HB 2641, An act concerning recreation commissions; relating to the powers and duties thereof; amending K.S.A. 2005 Supp. 12-1928 and repealing the existing section, by Representative Tafanelli.

HB 2642, An act concerning energy; enacting the Kansas energy policy act; establishing the energy policy advisory group and prescribing the powers and duties thereof; amending K.S.A. 74-616 and repealing the existing section, by Committee on Environment (By request of Select Joint Committee on Energy).

HB 2643, An act creating the joint committee on Kansas energy, by Committee on Environment (By request of Select Joint Committee on Energy).

HB 2644, An act concerning the disclosure of thermal efficiency; when; amending K.S.A. 2005 Supp. 66-1228 and repealing the existing section, by Committee on Environment (By request of Select Joint Committee on Energy).

HB 2645, An act enacting the vehicle title service agent licensing act, by Representative Huy.

HB 2646, An act relating to certificates of title; concerning certain requirements; amending K.S.A. 58-4204 and K.S.A. 2005 Supp. 8-135 and 8-170 and repealing the existing sections, by Representative Huy.

HB 2647, An act concerning elections; relating to campaign finance, by Committee on Governmental Organization and Elections.

HB 2648, An act transferring the state fire marshal and the office of state fire marshal to the Kansas bureau of investigation and prescribing the duties thereof; amending K.S.A. 31-144, 31-148, 31-157, 36-510, 39-928, 40-252, 40-252b, 55-1811, 65-429 and 75-1510 and K.S.A. 2005 Supp. 39-935, 39-945, 39-946, 75-1508 and 76-3319 and repealing the existing sections, by Representative Otto.

HB 2649, An act concerning health care; relating to a pain patient's bill of rights; amending K.S.A. 60-4403 and 65-2837 and repealing the existing sections, by Committee on Health and Human Services.

HOUSE CONCURRENT RESOLUTION No. 5027—

By Committee on Taxation

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

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 by this section, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain. Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes including the real property upon which such homes are located 11½%
- (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution 30%
- (3) Vacant lots 12%
- (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law 12%
- (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed 33%
- (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use 25%
- (7) All other urban and rural real property not otherwise specifically subclassified 30%

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

- (1) Mobile homes used for residential purposes 11½%
- (2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25% 30%
- (3) Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed 33%

- (4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985 30%
 - (5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property 25%
 - (6) All other tangible personal property not otherwise specifically classified 30%
- (b) (1) *Except as otherwise provided by paragraph (2) of this subsection, the appraised valuation of all real property used for residential purposes, shall not increase from one taxable year to the next such year by a percentage exceeding the percentage by which the average consumer price index for all urban consumers published by the federal department of labor as of the close of the 12-month period ending on August 31 of the first calendar year preceding the appropriate taxable year exceeds such index as of such period ending on August 31 of the second calendar year preceding the appropriate taxable year.*
- (2) *The appraised valuation for new or newly improved real property used for residential purposes, in its initial year of valuation, shall be based upon the comparison with values of other real property of known or recognized value which is subject to the provisions of paragraph (1). The appraised valuation of real property used for residential purposes which has been sold shall be adjusted to an amount equal to the sales price of such real property when sold. The legislature may provide by law for such legislation as is necessary to administer the provisions of subsection (b).*
- ~~(c)~~ (c) *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 provide limitations upon the increase of the appraised valuation of real property used for residential purposes subject to taxation.

"A vote for this proposition would limit to the percentage increase of the consumer price index real property appraised valuation increases from one tax period to another of real property used for residential purposes. This proposition would also provide that for real property used for residential purposes, the appraised valuation for new or newly improved real property in the initial year shall be based on the comparison with values of other comparable real property of known or recognized value, and the appraised valuation for real property which has been sold shall be adjusted to an amount equal to the sales price of such real property. The legislature is expressly authorized to enact necessary legislation to administer the provisions contained in this amendment.

"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 7, 2006.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to committees as indicated:
Appropriations: **HB 2620, HB 2623.**

Education: **HB 2625**.
 Federal and State Affairs: **HB 2615; HCR 5026**.
 Judiciary: **HB 2616, HB 2617, HB 2622**.
 Taxation: **HB 2618, HB 2619, HB 2621**.
 Transportation: **HB 2624**.

COMMUNICATIONS FROM STATE OFFICERS

From Gary Daniels, Secretary, Kansas Social and Rehabilitation Services, pursuant to Sec. 9(g) of **2005 S. Sub. for HB 2482**, Prevention: Good State Policy and Practice.

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

REPORTS OF STANDING COMMITTEES

The Committee on **Governmental Organization and Elections** recommends **SB 164** be amended on page 7, in line 14, following “(a)” by inserting “Except as provided by subsection (c).”; in line 15, by striking “a newspaper pub-”; by striking all in lines 16 and 17; in line 18, by striking all preceding “days” and inserting “the official city newspaper, within 30”; in line 25, by striking “In the case of cities of the third class” and inserting “Except as provided by subsection (c).”; also in line 25, following “treasurer” by inserting “of each city of the third class”; in line 31, by striking “45” and inserting “30”; following line 32, by inserting the following:

“(c) If the official city newspaper of a city is not published on a daily basis, the publication deadlines specified in subsections (a) and (b) shall be extended to 45 days.”; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6005—

By Committee on Utilities

A RESOLUTION urging the Southwest Power Pool to recognize the reliability component and value of economic transmission projects

WHEREAS, Transmission owners designate system reliability transmission line projects to the Southwest Power Pool (SPP) as base plan; and

WHEREAS, SPP-approved base plan projects are determined to preserve and improve regional transmission system reliability; and

WHEREAS, One-third of approved base plan project costs is apportioned to all SPP members through tariff charges and two-thirds is paid by the transmission owner proposing the project; and

WHEREAS, The SPP has identified economic transmission projects which would permit more cost-efficient dispatch of electricity and move power from lower cost generators to higher cost service areas; and

WHEREAS, Economic transmission projects will contribute to the overall transmission system’s reliability by providing redundancy to protect consumers from natural and man-made electric service interruptions; and

WHEREAS, Such transmission redundancy and reliability enhancements have a value to all SPP members: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the SPP is urged to recognize the reliability component and value of economic transmission projects; and

Be it further resolved: That the SPP Board of Directors and Regional State Committee recommend 80% of the costs of SPP-approved economic transmission projects be treated in the same manner as base plan reliability projects for cost recovery; and

Be it further resolved: That the Kansas representative on the SPP Regional State Committee is urged to support the concept of this proposal; and

Be it further resolved: That the Chief Clerk of the House of Representatives send an enrolled copy of this resolution to Brian Moline, chairperson, State Corporation Commis-

sion; Nick Brown, President and CEO, Southwest Power Pool, 415 N. McKinley, #140 Plaza West, Little Rock, AR 72205; and Joseph T. Kelliher, chairperson, Federal Energy Regulatory Commission, 888 First St. NE, Washington, D.C. 20426.

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 2650, An act concerning children in need of care; foster parents as interested parties; custody awarded to the secretary; false reporting of abuse; temporary custody; immediate physical danger; amending K.S.A. 38-1541, 38-1543, 38-1563 and 38-1567 and K.S.A. 2005 Supp. 38-1522 and repealing the existing sections, by Representatives Kiegerl, Brown, Huy, McCreary, F. Miller, Judy Morrison, Oharah, Pilcher-Cook and Ruff.

HB 2651, An act relating to school districts; concerning school terms, holidays and in-service training; amending K.S.A. 72-1106 and repealing the existing section, by Committee on Education.

HB 2652, An act relating to charter schools; amending K.S.A. 2005 Supp. 72-1906 and repealing the existing section, by Committee on Education.

HOUSE CONCURRENT RESOLUTION No. 5028—

By Committee on Environment

A CONCURRENT RESOLUTION encouraging the Kansas Turnpike Authority to include in its contracts with operators of turnpike service areas a requirement that fuels containing ethanol and biodiesel be offered for sale at the service areas.

WHEREAS, The Kansas Turnpike Authority operates and maintains one of the state's most traveled highways; and

WHEREAS, The state of Kansas is one of the leading producers of agricultural products used in the production of ethanol and biodiesel; and

WHEREAS, The state of Kansas has been and continues to provide incentives in the production of ethanol; and

WHEREAS, The use of ethanol blended fuels and biodiesel blended fuels provides substantial benefits by reducing the United States reliance upon foreign oil and providing environmental benefits: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas Turnpike Authority be encouraged to include in its contracts with operators of turnpike service areas a requirement that fuels containing ethanol and biodiesel be offered for sale at the service areas on the turnpike; and

Be it further resolved: That the Secretary of State provide an enrolled copy of this resolution to the members of the Kansas Turnpike Authority.

HOUSE CONCURRENT RESOLUTION No. 5029—

By Committee on Environment

A CONCURRENT RESOLUTION urging the United States Congress to prohibit the use of methyl tertiary butyl ether as an additive in gasoline by January 1, 2010.

WHEREAS, Methyl tertiary butyl ether (MTBE), a derivative of natural gas, has been used as an octane booster in gasoline, following the phase-out of leaded gasoline; and

WHEREAS, MTBE is added to reformulated gasoline in order to comply with federally mandated efforts to improve air quality in the nation's most polluted areas and to reduce emissions of benzene and other ozone-forming aromatic compounds associated with gasoline; and

WHEREAS, The United States Environmental Protection Agency lists MTBE as a possible human carcinogen; and

WHEREAS, MTBE, leaking from underground storage tanks and discharged as unburned fuel from two-stroke motorboats and jet skis, migrates readily to water supplies; and

WHEREAS, The compound poses a significant risk of contaminating water supplies, including groundwater sources; and

WHEREAS, MTBE has unique chemical properties that make it highly soluble and allow it to migrate through drinking water supplies, giving the water a turpentine odor in minute quantities; and

WHEREAS, MTBE does not degrade as readily as other gasoline additives, which creates significant clean-up and remediation costs at contaminated sites; and

WHEREAS, Ethanol-blended gasoline is an environmentally safe oxygenate enhancer that may be used in reformulated gasoline in order to comply with the requirements of the federal Clean Air Act: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the State of Kansas urges the United States Congress act to prohibit use of MTBE as an additive in gasoline sold in this nation by January 1, 2010; 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, the Administrator of the United States Environmental Protection Agency, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and each member of the Kansas Congressional Delegation.

COMMITTEE ASSIGNMENT CHANGES

Committee on Economic Development—Rep. Horst is appointed to replace Rep. M. Holmes.

Committee on Insurance—Rep. M. Holmes is appointed to replace Rep. McCreary.

Education Budget Committee—Rep. Huy is appointed to replace Rep. Yoder.

General Government and Commerce Budget Committee—Rep. Yoder is appointed to replace Rep. Huy.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Thursday, January 19, 2006.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

