

# Journal of the House

## EIGHTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, January 22, 2015, 8:00 a.m.

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

The roll was called with 115 members present.

Rep. Tietze was excused on verified illness.

Rep. Sloan was excused on legislative business.

Reps. Campbell, Curtis, Estes, Henderson, Hutton, Kelley, Sawyer, and Winn were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Almighty God,  
Thank You for being with us again today.  
I ask for your blessing and inspiration upon these leaders.  
May they possess goodwill and shared commitment  
in their discussions in committee meetings.  
Help them be willing to listen, learn, think clearly,  
speak confidently, and act courageously in seeking solutions.  
Give them Your wisdom and fill them with hopeful anticipation.  
With all the activities of the day which lie before them,  
go before them and lead the way.  
I pray this in Christ's Name, Amen.

The Pledge of Allegiance was led by Rep. O'Brien.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were introduced and read by title:

**HB 2076**, AN ACT concerning sales taxation; relating to exemptions; certain sales of school supplies, computers and clothing during sales tax holiday; amending K.S.A. 2014 Supp. 79-3606 and repealing the existing section, by Representatives Todd, Anthimides, Claeys, Clayton, Davis, Finney, Highland, K. Jones, Pauls, Peck, Powell, Rooker, Scapa, Sutton, Thompson and Whipple.

**HB 2077**, AN ACT concerning property taxation; relating to motor vehicles; exemptions, disabled veterans; amending K.S.A. 2014 Supp. 79-5107 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

**HB 2078**, AN ACT concerning school districts; relating to school safety and security policies and plans, by Committee on Veterans, Military and Homeland Security.

**HB 2079**, AN ACT concerning the Kansas dental board; relating to licensure of registered dental practitioners; amending K.S.A. 65-1421, 65-1441, 65-1449, 65-1460, 65-1462, 74-1404 and 74-1406 and K.S.A. 2014 Supp. 65-1424, 65-1431, 65-1434, 65-1436, 65-1447, 65-1469, 65-4915, 65-4921, 65-5912, 65-7304, 74-1405, 75-2935 and 75-6102 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2080**, AN ACT concerning crimes, punishment and criminal procedure; relating to blackmail; breach of privacy; amending K.S.A. 2014 Supp. 21-5428 and 21-6101 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2081**, AN ACT enacting the Kansas disclosure of unanticipated medical outcomes and medical errors act; concerning required disclosure policies for unanticipated medical outcomes and medical errors by medical care providers and health care facilities, by Committee on Judiciary.

**HB 2082**, AN ACT concerning lobbyists; regarding definitions; amending K.S.A. 46-222 and repealing the existing section, by Committee on Elections.

**HB 2083**, AN ACT concerning ethics and elections; relating to campaign finance disclosures; amending K.S.A. 2014 Supp. 25-4148a and repealing the existing section, by Committee on Elections.

**HB 2084**, AN ACT concerning the prepaid telephone security act; relating to telecommunications; creating the mobile communications devices identification system, by Committee on Judiciary.

**HB 2085**, AN ACT concerning the Kansas turnpike authority; relating to annual reports; contracts between the secretary of transportation and the authority; director; amending K.S.A. 68-2015 and K.S.A. 2014 Supp. 68-2003, 68-2021 and 68-2021a and repealing the existing sections, by Committee on Appropriations.

**HB 2086**, AN ACT concerning sales taxation; relating to exemptions; defining machinery and equipment used as an integral or essential part of an integrated production operation; amending K.S.A. 2014 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. **HCR 5007**—

by Committee on Veterans, Military and Homeland Security

**HCR 5007**-- 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, 2013, 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 to limit valuation increases on single-family residential real property which is owned and occupied as the principal place of residence of a Kansas resident who has served in the armed forces of the United States or the Kansas national guard and who is entitled to compensation for a service-connected disability of 100% under the laws administered by the veterans administration, and the legislature may enact legislation to limit application of this provision and enact such other legislation as is necessary to administer this provision.* The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles and watercraft, 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 authorize the legislature to limit valuation increases of single-family residential real property which is owned and occupied as the principal place of residence of a Kansas resident who is a 100% disabled veteran who has served in the armed forces of the United States or the Kansas national guard.

"A vote for this proposition would authorize the legislature to limit valuation increases of single-family residential real property which is owned and occupied as the principal place of residence of a Kansas resident who is a 100% disabled veteran who has served in the armed forces of the United States or the Kansas national guard. The amendment would also allow the legislature to enact legislation to limit application of this provision and enact other legislation as necessary to administer this provision.

"A vote against this proposition would maintain the current system of property taxation which provides no such authorization to limit such valuation increases."

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 the first Tuesday after the first Monday in November, 2016, 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.

HOUSE CONCURRENT RESOLUTION No. **HCR 5008**—

By Representatives Couture-Lovelady and Lusker

**HCR 5008**-- A PROPOSITION to amend the bill of rights of the constitution of the state of Kansas by adding a new section thereto, relating to the public right to hunt, fish and trap wildlife.

*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: The bill of rights of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

**"§21. Right of public to hunt, fish and trap wildlife.** The people have the right to hunt, fish and trap, including by the use of traditional methods, subject to laws and regulations that promote wildlife conservation and management and that preserve the future of hunting and fishing. Public hunting and fishing shall be a preferred means of managing and controlling wildlife. This section shall not be construed to modify any provision of law relating to trespass, property rights or water resources."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* This amendment is to preserve constitutionally the right of the public to hunt, fish and trap wildlife subject to reasonable laws and regulations. The right of the public to hunt, fish and trap shall not modify any provision of common law or statutes relating to trespass, eminent domain or any other private property rights.

"A vote for this proposition would constitutionally preserve the right of the public to hunt, fish and trap wildlife that has traditionally been taken by hunters, trappers and anglers. This public right is subject to state laws and rules and regulations regarding the management of wildlife and does not change or diminish common law or statutory rights relating to trespass, eminent domain or private property.

"A vote against this proposition would provide for no constitutional right of the public to hunt, fish and trap wildlife. It would maintain existing state laws and rules and regulations governing hunting, fishing and trapping wildlife."

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 in November in the year 2016 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.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2063, HB 2069.**

Agriculture and Natural Resources Budget: **HB 2072.**

Federal and State Affairs: **HB 2074, HB 2075.**

Insurance: **HB 2064, HB 2065, HB 2066, HB 2067.**

Judiciary: **HB 2073.**

Taxation: **HB 2070, HB 2071.**

Transportation: **HB 2068.**

#### **CHANGE OF REFERENCE**

Speaker Merrick announced the withdrawal of **HB 2006** from Committee on Local Government and referral to Committee on Veterans, Military and Homeland Security.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Friday, January 23, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

