

# Journal of the House

## THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, January 11, 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.  
Rep. Carlin was excused on verified illness.  
Reps. Holland, Lane and Pottorff were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Lord of all time and space . . . slow us down in this moment. Before the days of this session begin to mount up, give us pause to think about what is going on.

Before the letters and the phone calls, and the emails start arriving that make us question why we would want to do this work, remind us of the high calling of public service.

Before the conversations and the debate get our blood boiling and our teeth clenched, remind us of the privilege you have given to us.

Before all the work that needs to be done outweighs the few days allowed to accomplish it, remind us that time itself is your precious gift.

Before we win a vote or before we lose a vote, remind us that, in the end, yours is the only vote that counts.

Before this session moves toward its inevitable end, remind us that for everything there is a purpose and a time for every season under heaven.

Before and during and after, Lord, we turn to you, our ever-present Rock and Redeemer. Amen.

The Pledge of Allegiance was led by Rep. B. Sharp.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2585**, An act relating to school districts; relating to changing board member district boundaries; amending K.S.A. 72-6769 and repealing the existing section, by Representative Otto.

**HB 2586**, An act concerning driving under the influence; relating to test refusal; amending K.S.A. 8-1014 and repealing the existing section, by Representative Owens.

**HB 2587**, An act relating to criminal procedure; concerning the stopping of suspects; amending K.S.A. 22-2402 and repealing the existing section, by Joint Committee on Kansas Security.

**HB 2588**, An act concerning electric public utilities; amending K.S.A. 66-128g and 66-1223 and repealing the existing sections, by Committee on Utilities.

**HB 2589**, An act concerning electricity; placing certain requirements on certain state agencies and certain electric service providers and providing penalties for noncompliance; relating to certain revenues of electric public utilities; amending K.S.A. 66-1,184a and repealing the existing section, by Committee on Utilities.

**HB 2590**, An act concerning telecommunications; enacting the VoIP enhanced 911 act; imposing certain fees and providing for disposition thereof; amending K.S.A. 2005 Supp.

12-5323, 12-5328, 12-5330, 12-5334 and 19-101a and repealing the existing sections, by Committee on Utilities.

**HB 2591**, An act relating to motor vehicles; concerning certain personal information required on certain documents; amending K.S.A. 8-131, 8-143e and 8-169 and repealing the existing sections, by Committee on Appropriations.

**HB 2592**, An act concerning municipalities; relating to utilities services; also repealing K.S.A. 2005 Supp. 12-631k, 12-631z, 12-1,124, 12-860, 14-569 and 19-2765b, by Representatives F. Miller, Goico, Grange, Huy, Kiegerl, Knox, McCreary, Judy Morrison, Oharah, Peck and Pilcher-Cook.

**HB 2593**, An act concerning the state board of regents; authorizing the board to procure certain insurance; amending K.S.A. 75-4101 and K.S.A. 2005 Supp. 75-6501 and repealing the existing sections, by Legislative Educational Planning Committee.

**HB 2594**, An act concerning the state historical society; authorizing a competitive grant program for recording experiences of former state legislators; concerning appropriations for the fiscal years ending June 30, 2007, and June 30, 2008, for the state historical society, by Joint Committee on Arts and Cultural Resources.

**HB 2595**, An act designating the Anthony 9/11 memorial as the Kansas 9/11 memorial, by Representatives McCreary and McKinney.

**HB 2596**, An act concerning sales taxation; relating to taxation of certain fees at municipal golf courses; amending K.S.A. 2005 Supp. 79-3603 and repealing the existing section, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. 5023—

By Representative Otto

A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, concerning fees collected by state agencies.

*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: Article 11 of the constitution of the state of Kansas is amended by adding a new section thereto to read as follows:

“§ 14. (a) No fees collected by any state agency shall be spent for reasons other than the reasons such fees were collected.

(b) No money shall be transferred from a fee account of a state agency to the state general fund unless the transfer is supported by a documented cost study approved by the governor showing such transfer is for the reimbursement of actual costs paid by the state general fund.”

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

*“Explanatory statement.* There is currently no expressed prohibition on allowing the transfer of money from state agencies’ fee accounts to the state general fund.

“A vote for this proposition would amend the Kansas constitution to prohibit fees collected by any state agency from being spent for reasons other than the reasons such fees were collected. It also would clarify that no money shall be transferred from a fee account of a state agency to the state general fund unless the transfer is supported by a cost study showing the transfer is for the reimbursement of actual costs paid by the state general fund.

“A vote against this proposition would not amend the constitution.”

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 the year 2006 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:

Appropriations: **HB 2583, HB 2584.**

Governmental Organization and Elections: **HB 2580, HB 2582.**

Taxation: **HB 2581.**

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Thursday, January 12, 2006.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

