

Journal of the House

SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 18, 2012, 11:00 a.m.

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

The roll was called with 118 members present.

Reps. Grange, and Slattery were excused on legislative business.

Reps. Goico, Mesa, O'Brien, Peterson and Schwab were excused on excused absence by the Speaker.

Present later: Rep. Grange.

Prayer by Chaplain Brubaker:

Father in Heaven, Make your love the foundation of our lives. Make our love for You express itself in eagerness to do good for others. Through the example of Jesus Christ, make us courageous. Through His teachings, make us wise. Through His compassion, make us sensitive. Through His selflessness, make us generous in granting understanding and acceptance of others. Lord, I pray especially for Rep. Carlson in the passing of his brother last night. Be his comfort – his strength – and give him grace today and in the days to come. In Your Son's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Grant.

Kansas Trivia Question – Sculptor Gutzon Borglum, who studied art at St. Mary's College, is best known for what work?

Answer: The presidential sculptures atop Mount Rushmore

INTRODUCTION OF GUESTS

On behalf of Rep. Rhoades, Rep. Ballard introduced Larry Trask, President of the Midwestern Higher Education Compact; and former Senator Lana Oleen, former MHEC interim President. The Midwestern Higher Education Compact is one of four statutorily created interstate compacts for higher education in the United States. MHEC was founded in 1991 through the efforts of the Midwestern Legislative Conference of the Council of State Governments.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2471, AN ACT concerning adult care homes; relating to the board of adult care home administrators; amending K.S.A. 2011 Supp. 65-3506 and repealing the existing section, by Committee on Aging and Long-term Care.

HB 2472, AN ACT concerning rural water districts; definitions; amending K.S.A. 2011 Supp. 82a-612 and repealing the existing section, by Committee on Energy and Utilities.

HB 2473, AN ACT concerning civil procedure; relating to pleadings and discovery; amending K.S.A. 2011 Supp. 60-208 and 60-226 and repealing the existing sections, by Committee on Judiciary.

HB 2474, AN ACT concerning alcoholic liquor; relating to class A clubs; amending K.S.A. 2011 Supp. 41-2637 and repealing the existing section, by Committee on Appropriations.

HB 2475, AN ACT concerning public health and welfare; relating to the funding for home and community-based services for the developmentally disabled program of the department of social and rehabilitation services; prescribing certain powers, duties and functions for preparation of caseload estimates; amending K.S.A. 2011 Supp. 75-3717 and repealing the existing section, by Committee on Children and Families.

HOUSE CONCURRENT RESOLUTION No. HCR 5029—

By Representatives Garber, Billinger, Boman, Calloway, Collins, Crum, Fawcett, Goico, Goodman, Gregory, Hayzlett, Hedke, Hoffman, Howell, Huebert, Knox, LeDoux, Mesa, O'Brien, Otto, Peck, Powell, Scapa, Seiwert and Wetta

A PROPOSITION to amend section 1 of the bill of rights of the constitution of the state of Kansas, relating to equal rights.

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 the bill of rights of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 1. Equal rights. All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness. Recognizing the authority of the state of Kansas to exercise its police power and its sovereign right to adopt individual liberties in the constitution of the state of Kansas more expansive than those conferred by the constitution of the United States, the state of Kansas shall hereby guarantee the inalienable rights, equal protection and due process of law of every human being from the beginning of the biological development of that human being, including fertilization."

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

"Explanatory statement. The purpose of this amendment is to expand the

class of human beings that currently enjoy inalienable rights, equal protection, and due process of the law under the constitution of the state of Kansas to every human being from the beginning of the biological development of that human being, including fertilization.

“A vote for this proposition would amend the Kansas constitution to explicitly incorporate into it the inalienable right to life of every human being irrespective of age, race, gender, health, function, condition of dependency, including physical or mental dependency, or method of reproduction, from the beginning of their biological development, including fertilization. The proposed constitutional amendment also would prohibit the state from discriminating against any class of human beings in the application, interpretation and enforcement of its laws.

“A vote against this proposition would not amend the constitution, in which case the current federally mandated legal status of preborn humans would remain that of a class of human beings that can intentionally be killed.”

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 onto 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 at the primary election in the year 2012.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2466**.

Commerce and Economic Development: **HB 2463**.

Corrections and Juvenile Justice: **HB 2465, HB 2467, HB 2468, HB 2469**.

Energy and Utilities: **HB 2455, HB 2456**.

Health and Human Services: **HB 2457**.

Judiciary: **HB 2464, HB 2470**.

Pensions and Benefits: **HB 2460, HB 2461**.

Transportation: **HB 2458, HB 2459, HB 2462**.

CHANGE OF REFERENCE

Speaker pro tem Vickrey announced the withdrawal of **HB 2442** from Committee on Social Services Budget and referral to Committee on Appropriations.

COMMUNICATIONS FROM STATE OFFICERS

From Patti Petersen-Klein, Executive Director, Kansas Corporation Commission, pursuant to K.S.A. 2010 Supp. 66-1250 through 55-1254, Broadband Availability Report to the 2012 Legislature. Report can also be viewed at <http://kcc.ks.gov>.

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

MESSAGE FROM THE SENATE

The Senate announces the appointment of Senators Vratil and Haley to escort the Supreme Court for the purpose of hearing a message on the State of the Judiciary.

In accordance with **HCR 5028**, providing for the a joint session for the purpose of hearing a message from the Supreme Court, Speaker pro tem Vickrey appointed Reps. Brown, Grange and S. Gatewood to escort the Senate; Reps. M. Holmes, Knox and Frownfelter to escort the Supreme Court.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Huebert delivered yesterday, January 17, 2012, are here by spread upon the Journal:

While this House Chamber was listening to the State of the State speech, my family was enjoying the state of the baby watch. Marsha and I would like you to join us in celebrating the birth of our granddaughter, Olivia Jane Bollenbach. She was born January 11, 2012, at 10:15 p.m. She weighed 7 pounds, 10 ounces and was 20 inches long.

On motion of Rep. Siegfroid, the House recessed until 5:00 p.m.

EVENING SESSION

The House met pursuant to recess with Speaker O'Neal in the chair.

It being the hour in accordance with **HCR 5028** to meet in joint session with the Senate to hear the message of the chief Justice, Reps. Brown, Grange and S. Gatewood escorted the Senate to seats in the House.

Reps. M. Holmes, Knox and Frownfelter and Senators Vratil and Haley escorted the Chief Justice to the rostrum and other members of the Supreme Court to seats in the House.

Chief Justice Lawton R. Nuss addressed remarks on the State of the Judiciary to the members of the House and Senate.

REPORT ON ENROLLED RESOLUTIONS

HR 6001, HR 6002 reported correctly enrolled and properly signed on January 18, 2012.

On motion of Rep. Siegfroid, the House adjourned until Thursday, January 19, 2012.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

