

House Concurrent Resolution No. 5009

By Representatives Garber, Awerkamp, Blex, Brim, Carpenter, DeGraaf, Delperdang, Ellis, Eplee, Good, Highland, Huebert, Jacobs, Powell, A. Smith and E. Smith

2-3

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

3
4 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
5 *members elected (or appointed) and qualified to the House of*
6 *Representatives and two-thirds of the members elected (or appointed)*
7 *and qualified to the Senate concurring therein:*

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

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

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

24 "*Explanatory statement.* The purpose of this amendment is to
25 expand the class of human beings that currently enjoy
26 inalienable rights, equal protection, and due process of the
27 law under the constitution of the state of Kansas to every
28 human being from the beginning of the biological
29 development of that human being, including fertilization.

30 "A vote for this proposition would amend the Kansas
31 constitution to explicitly incorporate into it the inalienable
32 right to life of every human being irrespective of age, race,
33 gender, health, function, condition of dependency, including
34 physical or mental dependency, or method of reproduction,

1 from the beginning of their biological development,
2 including fertilization. The proposed constitutional
3 amendment also would prohibit the state from discriminating
4 against any class of human beings in the application,
5 interpretation and enforcement of its laws.

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

10 Sec. 3. This resolution, if approved by two-thirds of the members
11 elected (or appointed) and qualified to the House of Representatives, and
12 two-thirds of the members elected (or appointed) and qualified to the
13 Senate shall be entered on the journals, together with the yeas and nays.
14 The secretary of state shall cause this resolution to be published as
15 provided by law and shall cause the proposed amendment to be submitted
16 to the electors of the state at the general election in November in the year
17 2018 unless a special election is called at a sooner date by concurrent
18 resolution of the legislature, in which case it shall be submitted to the
19 electors of the state at the special election.