

Journal of the House

SIXTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 5, 2013, 11:00 a.m.

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

The roll was called with 122 members present.

Reps. Peterson, Ryckman, Sr. and Sloan were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Lord, as we look to You to begin the work of this day,
we first thank you for the beautiful day that You have given us.
Thank You for the health and well-being of our leaders.
I pray Your Scripture over each of these leaders:
help them to accept wise counsel (Proverbs 11:14);
to trust You (Psalm 21:7);
protect them from the influence of the evil one (2 Thessalonians 3:3);
give them discretion, foresight, and understanding in making decisions
(I Chronicles 22:12);
pour out Your Spirit on their leadership today (Proverbs 1:23);
protect them from harm, and bless and protect their families (Psalm 21:11);
and enable them to carry out their duties with humility toward You
and toward others (I Peter 5:5).
These things I pray in Your Son's Name, Amen.

The Pledge of Allegiance was led by Rep. Boldra.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2211, AN ACT concerning driver's licenses and nondriver identification cards; relating to criminal penalties; amending K.S.A. 8-260 and 8-1327 and repealing the existing sections, by Committee on Veterans, Military and Homeland Security.

HB 2212, AN ACT concerning the Kansas commission on veterans affairs; relating to the veterans claims assistance program; relating to the requirements of service grants; amending K.S.A. 2012 Supp. 73-1234 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2213, AN ACT concerning retirement and pensions; relating to the Kansas public

employees retirement system; certain member elections; retirement benefit determinations, one-time payment; membership; amending K.S.A. 2012 Supp. 74-49,135, 74-49,205, 74-49,301, 74-49,306, 74-49,308, 74-49,313 and 74-49,315 and repealing the existing sections, by Committee on Pensions and Benefits.

HB 2214, AN ACT concerning income taxation; relating to credits; expenses for household and dependent care services necessary for gainful employment, by Committee on Taxation.

HB 2215, AN ACT concerning school districts; relating to the transportation of nonresident pupils; amending K.S.A. 2012 Supp. 72-1046b and repealing the existing section, by Committee on Education Budget.

HB 2216, AN ACT concerning joint committees; repealing certain joint committees; relating to membership on the joint committee on special claims against the state; amending K.S.A. 12-2015, 19-4109, 38-2007, 46-912, 71-212 and 74-4907 and K.S.A. 2012 Supp. 39-7,162, 46-2801, 65-1,251, 72-5395, 74-4908, 74-4909, 74-4920, 74-4921, 74-4921c, 74-4937, 74-49,129, 74-5001a, 74-5002s, 74-5049, 74-5097, 74-50,123, 74-50,151, 74-50,216, 74-8004, 74-8135, 74-8136, 74-8204, 74-8310, 74-8317, 74-8405, 74-99c07, 75-7423, 75-7427 and 75-7435 and repealing the existing sections; also repealing K.S.A. 46-1604 and 46-2201 and K.S.A. 2012 Supp. 39-7,160, 39-7,161, 46-1801, 46-3001, 46-3501, 46-3701, 74-49,132, 74-49,133 and 75-7425, by Committee on General Government Budget.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2207**.

Commerce, Labor and Economic Development: **HB 2206**.

Corrections and Juvenile Justice: **HB 2208**, **HB 2209**.

Elections: **HB 2210**.

Judiciary: **HB 2205**.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2197** from Committee on Education and referral to Committee on Federal and State Affairs.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2013** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Federal and State Affairs** recommends **HB 2037** be passed.

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 resolution were thereupon introduced and read by

title:

HB 2217, AN ACT concerning crimes, criminal procedure and punishment; relating to female genital mutilation, by Committee on Corrections and Juvenile Justice.

HB 2218, AN ACT concerning driving under the influence of alcohol or drugs; relating to tests; implied consent; administrative hearings; amending K.S.A. 8-1567a and K.S.A. 2012 Supp. 8-1001 and 8-1020 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2219, AN ACT concerning the Kansas indoor clean air act; relating to smoking on certain premises; amending K.S.A. 2012 Supp. 21-6109 and 21-6110 and repealing the existing sections, by Representatives Garber, Carpenter, DeGraaf, Hawkins, Montgomery, O'Brien, Peck, Rothlisberg, Rubin, Schwab and Seiwert.

HB 2220, AN ACT concerning income tax; relating to compensation of certain persons serving in the armed forces; amending K.S.A. 2012 Supp. 79-32,117 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2221, AN ACT concerning professional negotiations; establishing the equal access act; amending K.S.A. 2012 Supp. 72-5413 and repealing the existing section, by Committee on Education.

HB 2222, AN ACT concerning school districts; relating to policies against bullying; amending K.S.A. 2012 Supp. 72-8256 and repealing the existing section, by Committee on Education.

HB 2223, AN ACT concerning alcoholic liquor; relating to the production and transportation of homemade fermented beverages; amending K.S.A. 41-407 and K.S.A. 2012 Supp. 41-102, 41-104 and 41-501 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2224, AN ACT concerning the Kansas restraint of trade act; amending K.S.A. 50-101 and 50-112 and repealing the existing sections, by Committee on Judiciary.

HB 2225, AN ACT repealing the Kansas restraint of trade act; amending K.S.A. 50-504 and K.S.A. 2012 Supp. 66-1,112 and repealing the existing sections; also repealing K.S.A. 50-101, 50-102, 50-103, 50-108, 50-109, 50-110, 50-112, 50-113, 50-115, 50-116, 50-117, 50-131, 50-132, 50-133, 50-136, 50-137, 50-139, 50-147, 50-148, 50-149, 50-153, 50-157, 50-158, 50-159, 50-160, 50-161, 50-162 and 50-508, by Committee on Judiciary.

HB 2226, AN ACT concerning elections; relating to certain municipalities; amending K.S.A. 12-344, 13-1220, 13-1221, 19-3505, 19-3507, 25-202, 25-209, 25-2107, 25-2113, 25-2115, 71-1412, 71-1419 and 72-7901 and K.S.A. 2012 Supp. 2-624, 12-363, 24-412, 24-414, 24-506, 25-213, 25-2110 and 42-706 and repealing the existing sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037 and 12-1038, by Committee on Elections.

HB 2227, AN ACT concerning elections; relating to certain municipalities; amending K.S.A. 2-623, 19-3505, 19-3507, 24-504, 25-202, 25-209, 25-1115, 25-2006, 25-2007,

25-2010, 25-2017, 25-2018, 25-2022, 25-2023, 25-2107, 25-2109, 25-2113, 25-2115, 25-2120, 25-2502, 71-1408, 71-1412, 71-1413, 71-1414, 71-1417, 71-1419 and 72-8008 and K.S.A. 2012 Supp. 2-624, 24-412, 24-414, 24-459, 24-506, 25-213, 25-611, 25-1122, 25-2020, 25-2102, 25-2108a, 25-2110, 25-2311 and 42-706 and repealing the existing sections, by Committee on Elections.

HB 2228, AN ACT concerning the Kansas public employees retirement system; relating to death and long-term disability benefits; employer payments to group insurance reserve fund; amending K.S.A. 2012 Supp. 74-4927 and repealing the existing section, by Committee on Appropriations.

HB 2229, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2013, June 30, 2014, and June 30, 2015, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2012 Supp. 76-3,107 and repealing the existing section, by Committee on Appropriations.

HB 2230, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; authorizing transfers from the expanded lottery act revenues fund for employer contributions for school districts; amending K.S.A. 2012 Supp. 74-8768 and repealing the existing section, by Committee on Appropriations.

HB 2231, AN ACT making and concerning appropriations for fiscal years ending June 30, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2012 Supp. 2-223, 12-5256, 55-193, 72-8814, 74-50,107, 74-99b34, 75-2319, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171, 79-4804 and 82a-953 and repealing the existing sections, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. **HCR 5010**—

By Representatives Garber, Carpenter, Christmann, Crum, DeGraaf, Ewy, Goico, Hedke, Hoffman, Howell, Huebert, Montgomery, O'Brien, Peck, Rothlisberg, Seiwert and Thimesch

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 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 primary election in the year 2014.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2091** from Committee on Taxation and referral to Committee on Local Government.

Also, the withdrawal of **HB 2202** from Committee on Transportation and referral to Committee on Agriculture.

REPORT ON ENROLLED RESOLUTIONS

HR 6004 reported correctly enrolled and properly signed on February 5, 2013.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, February 6, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

