

Journal of the House

SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, January 17, 2012, 11:00 a.m.

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

The roll was called with 119 members present.

Rep. Slattery was excused on legislative business.

Reps. Calloway, Hermanson, Landwehr, Peterson and Schwab were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, yesterday we celebrated the life and legacy of a great leader of our nation. We are thankful for the courage of Dr. Martin Luther King Jr. who spoke to our nation as a prophet from God— pointing out the sin we did not want to see. Like many prophets, he paid a high price for speaking the truth and calling us to repentance. He was a gift from God to us and we were not worthy of him. Help us to follow his example in listening and knowing what You have to say, and having the courage to stand up and speak out. In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Rhoades.

Kansas Trivia Question – Kansas was the first state to raise what kind of military unit?

Answer: African-American Infantry Regiment

SPECIAL REMARKS

In recognition of the birthday of Dr. Martin Luther King, Jr., and there being no objection, the following remarks of Reps. Ballard and Rubin are spread upon the Journal:

Remarks by Rep. Ballard:

I am proud to join with all Americans as we celebrate the life and legacy of Dr. Martin Luther King, Jr. As our nation commemorates Martin Luther King Jr. Day, let us remember the legacy of the man who spread a message of peace and justice and challenged America to fulfill the true promise of Democracy.

It has been 44 years since the death of Dr. King, yet the movement that he sparked so

many years ago still lives on through us all. Prior to his passing, Dr. King announced plans for a Poor People's campaign. The effort was formed to shine a light on the plight of the poor and working poor, and would have culminated with a march on Washington demanding a \$12 billion Economic Bill of Rights to guarantee employment to the able-bodied, incomes to those unable to work and an end to housing discrimination.

Remarks by Rep. Rubin:

I share with you an abiding admiration for Dr. Martin Luther King, Jr., whose birthday we celebrated yesterday. Dr. King was one of the greatest American leaders of the past 100 years and a founding father of the modern American civil rights movement. Moreover, I consider his August 28, 1963 "I Have a Dream" speech, delivered from the steps of the Lincoln Memorial in the 100th anniversary year of the Emancipation Proclamation, one of the seminal moments in American history, forever changing the course of both our public policy and cultural attitudes and, more than any other event, precipitating the landmark Civil Rights Act of 1965. This speech has always moved me deeply, not only because it so eloquently espouses the political and social beliefs that have spurred my public service – fairness, justice and equality of opportunity for all Americans – but because, as a Catholic devoted to Birdie, my Jewish wife of 40 years, and the proud father-in-law of an African-American son-in-law in Denver, Stephen McNeil, who with our daughter Shana has now presented us with an African-American grandson whom we adore – and whose photo I have placed on your desks this morning – the speech resonates with me on a profound personal level.

So, by your leave, Mr. Speaker, I would like now to present to our Chamber the words of Dr. King that changed the course of American history.

Reps. Rubin and Ballard then shared in reading Dr. Martin Luther King's speech:

I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation.

Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity. But one hundred years later, the Negro still is not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languishing in the corners of American society and finds himself an exile in his own land. So we have come here today to dramatize a shameful condition.

In a sense we have come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, black men as well as white men, would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.

It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked "insufficient funds." But we refuse to believe that the bank of justice is bankrupt. We refuse to

believe that there are insufficient funds in the great vaults of opportunity of this nation. So we have come to cash this check — a check that will give us upon demand the riches of freedom and the security of justice. We have also come to this hallowed spot to remind America of the fierce urgency of now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our nation from the quick sands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children.

It would be fatal for the nation to overlook the urgency of the moment. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. Nineteen sixty-three is not an end, but a beginning. Those who hope that the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual. There will be neither rest nor tranquility in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.

But there is something that I must say to my people who stand on the warm threshold which leads into the palace of justice. In the process of gaining our rightful place we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred.

We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again we must rise to the majestic heights of meeting physical force with soul force. The marvelous new militancy which has engulfed the Negro community must not lead us to a distrust of all white people, for many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny. They have come to realize that their freedom is inextricably bound to our freedom. We cannot walk alone.

As we walk, we must make the pledge that we shall always march ahead. We cannot turn back. There are those who are asking the devotees of civil rights, "When will you be satisfied?" We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality. We can never be satisfied, as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities. We cannot be satisfied as long as the Negro's basic mobility is from a smaller ghetto to a larger one. We can never be satisfied as long as our children are stripped of their selfhood and robbed of their dignity by signs stating "For Whites Only". We cannot be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied, and we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.

I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. Some of you have come from areas where your quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive.

Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our northern cities, knowing that somehow this situation can and will be changed. Let us not wallow in the valley of despair.

I say to you today, my friends, so even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream.

I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident: that all men are created equal."

I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood.

I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice.

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

I have a dream today.

I have a dream that one day, down in Alabama, with its vicious racists, with its governor having his lips dripping with the words of interposition and nullification; one day right there in Alabama, little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.

I have a dream today.

I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together.

This is our hope. This is the faith that I go back to the South with. With this faith we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

This will be the day when all of God's children will be able to sing with a new meaning, "My country, 'tis of thee, sweet land of liberty, of thee I sing. Land where my fathers died, land of the pilgrim's pride, from every mountainside, let freedom ring." And if America is to be a great nation this must become true. So let freedom ring from the prodigious hilltops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania!

Let freedom ring from the snowcapped Rockies of Colorado!

Let freedom ring from the curvaceous slopes of California!

But not only that; let freedom ring from Stone Mountain of Georgia!

Let freedom ring from Lookout Mountain of Tennessee!

Let freedom ring from every hill and molehill of Mississippi. From every mountainside, let freedom ring.

And when this happens, when we allow freedom to ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles,

Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, "Free at last! free at last! thank God Almighty, we are free at last!"

Rep. Ballard then led the members of the House in singing "We Shall Overcome."

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2455, AN ACT concerning utilities; creating the electricity highway fee, by Committee on Energy and Utilities.

HB 2456, AN ACT concerning the underground utility damage prevention act; relating to appointment of members; amending K.S.A. 2011 Supp. 66-1805 and repealing the existing section, by Committee on Energy and Utilities.

HB 2457, AN ACT concerning developmental disabilities; relating to the MR/DD waiver program; amending K.S.A. 39-7,100 and 39-1804 and repealing the existing sections, by Representative Ward.

HB 2458, AN ACT regulating traffic; relating to penalties for violating size and weight laws, exceptions; amending K.S.A. 2011 Supp. 8-1901 and repealing the existing section, by Committee on Transportation.

HB 2459, AN ACT concerning driver's licenses; relating to motorcycles; amending K.S.A. 2011 Supp. 8-240 and repealing the existing section, by Representative Sloan.

HB 2460, AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system and systems thereunder; employer affiliation, participation by certain employees and contribution rate; amending K.S.A. 74-4910 and K.S.A. 2011 Supp. 74-4920 and repealing the existing sections, by Committee on Joint Committee on Pensions, Investments, and Benefits.

HB 2461, AN ACT concerning retirement and benefits, relating to the Kansas public employees retirement fund; alternative investments; amending K.S.A. 2011 Supp. 74-4921 and repealing the existing section, by Committee on Joint Committee on Pensions, Investments, and Benefits.

HB 2462, AN ACT regulating traffic; concerning traffic-control lights; amending K.S.A. 2011 Supp. 8-1508 and repealing the existing section, by Representative Goodman.

HB 2463, AN ACT concerning employment; relating to employment requirements in certain state contracts; relating to employment requirements for certain state tax benefits; amending K.S.A. 2011 Supp. 12-17,166, 74-50,131, 74-50,212, 79-32,154 and 79-32,243 and repealing the existing sections, by Committee on Commerce and Economic Development.

HB 2464, AN ACT concerning criminal procedure; relating to discovery; certain visual depictions; amending K.S.A. 2011 Supp. 22-3212 and repealing the existing section, by Committee on Judiciary.

HB 2465, AN ACT concerning crimes, punishment and criminal procedure; relating to lifetime electronic monitoring of certain offenders; amending K.S.A. 2011 Supp. 21-6604 and 22-3717 and repealing the existing sections, by Committee on Judiciary.

HB 2466, AN ACT concerning retirement and benefits; relating to the retirement of certain state officers and employees; election of health care benefit payments or lump-sum payment, by Representative Grant.

HB 2467, AN ACT concerning crimes, criminal procedure and punishment; relating

to transmission of sexually explicit or nude images of minors; amending K.S.A. 2011 Supp. 21-5510 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2468, AN ACT concerning criminal procedure; relating to discovery and production requirements of defense attorneys; amending K.S.A. 2011 Supp. 22-3212 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2469, AN ACT concerning crimes, criminal procedure and punishment; relating to payment of board of indigents' services fees; relating to parole revocation proceedings; amending K.S.A. 22-4529 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2470, AN ACT concerning regulated scrap metal; relating to unlawful acts; amending K.S.A. 2011 Supp. 50-6,111 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committees as indicated:

Taxation: **HB 2454**.

INTRODUCTION OF GUESTS

Speaker O'Neal introduced Jim Geringer, former Governor and Legislator of Wyoming.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Wednesday, January 18, 2012.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

