

Journal of the House

EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 22, 2009, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 117 members present.
Rep. Svaty was excused on legislative business.
Reps. Aurand, Ballard, Crow, Henderson, Kiegerl, Schwab and Schwartz were excused on excused absence by the Speaker.

Prayer by guest chaplain, Father Brian Schieber, Holy Name Catholic Church, Topeka:

Gracious Father you created us in your own image and likeness and said of each and everyone of us that we are very, very good.

On this 36th anniversary of the Supreme Court decision Roe vs. Wade we remember the over 53,000,000 beautiful, innocent unborn children who have been legally exterminated in our land.

Forgive us Lord for the times that we have not raised our voices in defense of those who have no voice.

Lord may this injustice move us to action. May we no longer stand by idle. Give us the virtue of fortitude to enact just laws that will respect the unalienable rights that you our Creator have endowed, the first of these being the right to life.

By your grace, guide us to transform this culture of death into a culture of life and a civilization of love. May we here in the heartland of America have hearts on fire for life and liberty and love. We make this prayer through Christ our Lord. Amen.

The Pledge of Allegiance was led by Rep. Quigley.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2055, An act concerning the department on aging; relating to the senior services fund; creating the health care for seniors fund; disposition of certain additional lottery proceeds; prescribing certain powers, duties and functions for the secretary of aging; amending K.S.A. 2008 Supp. 74-8768 and repealing the existing section, by Committee on Aging and Long Term Care.

HB 2056, An act concerning the department on aging; relating to the senior services fund; creating the health care for seniors fund; disposition of certain additional tobacco litigation settlement proceeds; prescribing certain powers, duties and functions for the secretary of aging; amending K.S.A. 38-2101 and repealing the existing section, by Committee on Aging and Long Term Care.

HB 2057, An act enacting the geriatric mental health act; establishing a geriatric mental health program administered by the department on aging, by Committee on Aging and Long Term Care.

HB 2058, An act; creating the health care for seniors fund; concerning the disposition of a sales tax and compensating use tax proceeds; prescribing certain powers, duties and functions for the secretary of aging and secretary of revenue; amending K.S.A. 2008 Supp.

79-3620 and 79-3710 and repealing the existing sections, by Committee on Aging and Long Term Care.

HB 2059, An act concerning proceeds derived from violation of the uniform controlled substances act or any substantially similar offense from another jurisdiction; amending K.S.A. 65-4142 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2060, An act concerning crimes and punishment; relating to battery against a law enforcement officer; amending K.S.A. 2008 Supp. 21-4704 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2061, An act establishing the board of professional educators; prescribing the powers and duties thereof, by Representative Sloan.

HB 2062, An act concerning alcoholic beverages; amending K.S.A. 41-210, 41-211, 41-304, 41-307, 41-308, 41-601, 41-602, 41-701, 41-708, 41-717, 41-718, 41-724, 41-725, 41-726, 41-729, 41-806, 41-901, 41-905, 41-1001, 41-1002, 41-1004, 41-1101, 41-1102, 41-1122, 41-1123, 41-1125, 41-2604, 41-2610, 41-2614, 41-2632, 41-2637, 41-2641, 41-2642, 41-2643, 41-2705, 41-2706, 41-2707, 41-2709, 41-2722, 41-2726, 79-4101, 79-4102, 79-4103, 79-4104, 79-41a01, 79-41a02, 79-41a04, 79-41a06, 79-41a07 and 79-41a08 and K.S.A. 2008 Supp. 41-102, 41-104, 41-209, 41-308b, 41-712, 41-805, 41-2611, 41-2645, 41-2701, 41-2704, 41-2728, 79-3606, 79-4108 and 79-41a03 and repealing the existing sections; also repealing K.S.A. 41-403 and 41-2712 and K.S.A. 2008 Supp. 41-2702, 41-2703 and 41-2708, by Committee on Federal and State Affairs.

HB 2063, An act concerning weights and measures; relating to fees charged by the secretary of agriculture; amending K.S.A. 2008 Supp. 83-214, 83-219, 83-302 and 83-402 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 83-502, by Committee on Agriculture and Natural Resources.

HB 2064, An act enacting the night sky protection act; relating to light emissions affecting luminance of the nighttime sky for certain protected places, by Committee on Energy and Utilities.

HB 2065, An act concerning intensive groundwater control areas; amending K.S.A. 82a-1036 and repealing the existing section, by Joint Committee on Administrative Rules and Regulations.

HB 2066, An act concerning elections; pertaining to compliance with the Help America Vote Act (HAVA); amending K.S.A. 25-2354 and 25-3304 and K.S.A. 2008 Supp. 25-1122, 25-1122d, 25-1123, 25-2309 and 25-2908 and repealing the existing sections, by Committee on Elections.

HB 2067, An act concerning the Kansas home inspectors registration board; amending K.S.A. 2008 Supp. 58-4503 and repealing the existing section, by Committee on Commerce and Labor.

HB 2068, An act concerning real estate brokers and salespersons; relating to licensure; amending K.S.A. 2008 Supp. 58-3035, 58-3046a, 58-3050, 58-3062, 58-3080, 58-3082, 58-3083, 58-3084, 58-3085 and 58-3086 and repealing the existing sections, by Committee on Commerce and Labor.

HOUSE CONCURRENT RESOLUTION No. 5003—

By Representatives Flaharty, Ballard, Benlon, Carlin, Crow, Davis, Finney, D. Gatewood, Huntington, Long, Mah, McCray-Miller, Neighbor, Quigley, Rardin, Ruiz, Swenson, Trimmer, Ward, Wetta, Winn and K. Wolf

A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, concerning equal rights for men and women.

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

“§ 17. **Equal rights.** Equality of rights under the law shall not be denied or abridged by the state or any of its political or taxing subdivisions on account of sex.”

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

“*Explanatory statement.* There is currently no constitutional provision specifically addressing equal rights of men and women. There are laws that prohibit discrimination in employment, housing and wages based on sex.

“A vote for this proposition would amend the Kansas constitution to incorporate into it the prohibition of discrimination based on sex. The proposed constitutional amendment would prohibit the state or any of its political or taxing subdivisions from enacting laws discriminating against men or women based on sex.

“A vote against this proposition would not amend the constitution, in which case the current laws would remain unchanged but could be amended by future acts of the legislature or its political or taxing subdivisions or modified by judicial interpretation.”

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 November in the year 2010.

HOUSE CONCURRENT RESOLUTION No. 5004—

By Committee on Agriculture and Natural Resources

A CONCURRENT RESOLUTION urging the United States Congress to oppose federal legislation that interferes with a state’s ability to direct the transport or processing of horses.

WHEREAS, The processing of horses has become a controversial and emotional issue and has resulted in the closing of all horse processing facilities throughout the United States; and

WHEREAS, Federal legislation was introduced to amend the 1970 Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling or donation of horses and other equines for processing and other purposes; and

WHEREAS, The loss of secondary markets has severely impacted the livestock industry by eliminating the salvage value of horses and has significantly reduced the market value of all horses; and

WHEREAS, Prohibitions regarding the processing of horses have resulted in significant increases in abandoned and starving animals and have had significant economic impact on the entire equine industry; and

WHEREAS, The increase in unwanted or unusable horses has overwhelmed private animal welfare agencies and the public’s ability to care for surplus domestic horses; and

WHEREAS, The annual number of unwanted or unusable surplus domestic horses is estimated to be 100,000, compounding annually; and

WHEREAS, Issues related to the humane handling and slaughter of surplus domestic horses are best addressed by proper regulations and inspection and not by banning or exporting the issue; and

WHEREAS, State agriculture and rural leaders recognize the necessity and benefit of a state’s ability to direct the transport and processing of horses: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the United States Congress is urged to oppose federal legislation that interferes with a state’s ability to direct the transport or processing of horses; and

Be it further resolved: That the Secretary of State be directed to send an enrolled copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Kansas legislative delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2049, HB 2050.**

Energy and Utilities: **HB 2043, HB 2051.**

Insurance: **HB 2044, HB 2052, HB 2053, HB 2054.**

Judiciary: **HB 2042.**

Taxation: **HB 2046, HB 2047, HB 2048.**

Transportation: **HB 2045.**

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 3, Representative Elaine Bowers congratulating Doug Moore for induction into the National Wrestling Hall of Fame.

Request No. 4, Representative Elaine Bowers congratulating the City of Glasco for winning the Kansas PRIDE Award.

Request No. 5, by Representative Elaine Bowers congratulating Adele Lewis on her 100th birthday.

Request No. 6, by Representative Dan Johnson congratulating Logan L. Glaze for graduating from Fort Hays State University December 2008.

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

On motion of Rep. Merrick, the House adjourned pro forma until 10:00 a.m., Friday, January 23, 2009.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

