

Journal of the House

SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, January 18, 2011, 11:00 a.m.

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

**STATE OF KANSAS
OFFICE OF
SECRETARY OF STATE**

To all to whom these presents shall come, Greetings:

I, KRIS W. KOBACH, Secretary of State of the State of Kansas, do hereby certify that Robert Montgomery, Olathe, was appointed by the Governor effective January 18, 2011, to the Kansas House of Representatives, Twenty Sixth District, to fill the vacancy created by the resignation of Rob Olson.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to affixed my official seal this 18th day of January, A.D. 2011.

KRIS W. KOBACH
Secretary of State

OATH OF OFFICE

State of Kansas, County of Shawnee, ss:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the duties of the Office of Representative of the State of Kansas, so help me God.

Signed: ROBERT "BOB" MONTGOMERY

Subscribed and sworn to before me this 18th day of January, 2011.

KRIS W. KOBACH
Secretary of State

The roll was called with 121 members present.
Rep. Hermanson was excused on verified illness.

Reps. Peterson and Roth were excused on excused absence by the Speaker.

The House is now organized with 124 members.

Prayer by guest chaplain, the Rev. Mark L. Halford, pastor, New Life Assembly of God, Baldwin City, and guest of Rep. Gregory:

My Heavenly Father who is the Creator and Sustainer of Life, I humbly come before your presence today in the name of your only Begotten Son Jesus.

First of all I wish to Adore You for who You are. I recognize Your Glory is unmatched and incomparable to any other thing.

Secondly I desire to Confess my own inadequacies & short comings. I am constantly made aware of my need for dependence upon You. Forgive me for the times that my independent spirit has forgotten that truth.

I also wish to off You Thanksgiving on this day. Your blessings have been abundant and much more than I deserve. On behalf of this Great State of Kansas I am thankful for the Leadership that you have allowed to be in place and for Your continued blessings upon all Kansans.

I come before you offering Supplication on behalf of our elected officials. I realize the great opportunity and responsibility each one of them has. Opportunity to lead this Great State in the pathways of continued success and greatness, Responsibility to represent all Kansans in their pursuit of Happiness & Fulfillment. May Your wisdom rest upon our State Leadership, may the light of Your Truth continue to illuminate the pathways to enduring success for all Kansans.

I ask these things in the name of Your beloved son Jesus whose Kingdom reigns for ever and ever. Amen

The Pledge of Allegiance was led by Rep. Howell.

Kansas Trivia Question – Garden City postcard publisher John Conard specialized in exaggerated postcards of Kansas fighting what?

Answer: Giant grasshoppers.

Rep. Ballard led the House in singing “Happy Birthday” to Speaker O’Neal.

Speaker O’Neal welcomed Rep. Montgomery as a member of the House of Representatives.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2015, AN ACT concerning school districts; relating to the calculation of the local option budget; amending K.S.A. 2010 Supp. 72-6433d and repealing the existing section, by Committee on Legislative Education Planning Committee.

HB 2016, AN ACT concerning school districts; relating to the program weighting; amending K.S.A. 2010 Supp. 72-6413 and repealing the existing section, by Committee on Special Committee on Education.

HB 2017, AN ACT concerning school districts; relating to enrollment of pupils eligible for free meals under the national school lunch act, by Committee on Special Committee on Education.

HB 2018, AN ACT concerning school districts; relating to school finance; amending K.S.A. 2010 Supp. 72-6455 and 72-6459 and repealing the existing sections, by Committee on Special Committee on Education.

HB 2019, AN ACT concerning school districts; relating to interdistrict agreements and the termination thereof; amending K.S.A. 72-8233 and repealing the existing section, by Committee on Special Committee on Education.

HB 2020, AN ACT affording educational institutions the option to utilize the housing system suspense fund; amending K.S.A. 2010 Supp. 76-762 and repealing the existing section, by None.

HB 2021, AN ACT concerning the KAN-ED act; relating to membership thereof; amending K.S.A. 2010 Supp. 66-2010, 75-7222, 75-7223, 75-7224 and 75-7226 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 75-7228, by Committee on Legislative Education Planning Committee.

HB 2022, AN ACT concerning criminal procedure; relating to persons acquitted or verdict of not guilty of special question; relating to venue; amending K.S.A. 2010 Supp. 22-3428 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Appropriations: **HB 2014**

COMMUNICATIONS FROM THE STATE OFFICERS

From Thomas E. Wright, Chairman, Kansas Corporation Commission, pursuant to K.S.A. 2009 Supp. 66-1250 through 66-1254, Broadband availability report to the 2011 Kansas Legislature.

From Kent E. Olson, Director, Division of Accounts and Reports, Comprehensive Annual Financial Report, July 1, 2009 to June 30, 2010.

The complete reports are on file and open for inspection in the office of the

Chief Clerk.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Hoffman, the following resolution, **HR 6005**, by Reps. Hoffman, Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bruchman, Bollier, Boman, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, S. Gatewood, Goico, Gonzales, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Henderson, Henry, Hermason, Hildabrand, Hill, Hineman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore and Worley, was introduced and adopted:

HOUSE RESOLUTION No. HR 6005--

A RESOLUTION in memory of Don M. Rezac.

WHEREAS, Don M. Rezac, 69, of Emmett, died November 26, 2010. A former Kansas legislator, he served in the House of Representatives from 1982 to 1994; and

WHEREAS, Mr. Rezac was born November 29, 1940 in Vienna township. He was the sixth of seven children of Matt and Bernice Wilson Rezac. He graduated from Onaga High School in 1958 and attended Kansas State University; and

WHEREAS, During his tenure in the Kansas legislature, Mr. Rezac served as Chairperson of the Pensions, Investments, and Benefits Committee, Vice-Chairperson of the Agriculture Committee, and was a member of the Energy and Natural Resources Committee and Transportation Committee. In addition, he was active in many local organizations including, the Kansas Cattlemen's Association, Kansas Livestock Association, Kansas Farmer's Union, Kansas and Onaga Young Farmers and the Kansas Soybean Association. In 1987, he became only the fifth Kansan in history to receive the National 4-H Alumni Award. Mr. Rezac and his wife, Barbara, were named Master Farmer-Homemaker by Kansas State University in 1996 for their contributions to agriculture and community; and

WHEREAS, Mr. Rezac was a lifelong Kansas farmer and rancher. He started his career with only six sows and one boar and went on to become president of Rezac Land and Livestock. He was a passionate conservationist who served as Director of Area IV for the Kansas Association of Conservation Districts from 1995 to 2007 and as a Supervisor of the

Pottawatomie County Conservation District from 1969 to 2010. He was also an active member of the Onaga school board from 1971 to 1982; and

WHEREAS, Mr. Rezac is survived by his wife Barbara Tanner Rezac, two sons, Lance Rezac and Jay Rezac, a daughter, Kimberly Robbins, and nine grandchildren; and

WHEREAS, Mr. Rezac has been described as a man of integrity, intelligence and humor. He will be remembered for his lifelong commitment of public service to his state and community: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor Don M. Rezac for his great work in the house of representatives and extend our deepest sympathy to his family and friends; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send eight enrolled copies of this resolution to Representative Hoffman.

Rep. Hoffman introduced the family of Mr. Rezac to the members of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6006—

By Representatives O'Neal, Pauls and Seiwert

A RESOLUTION recognizing January 21, 2011, as Dentist Appreciation Day.

WHEREAS, the 10th Kansas Mission of Mercy Dental Project will be held on January 21 and 22 of 2011 in Hutchinson, Kansas; and

WHEREAS, the Kansas Mission of Mercy held its first Kansas Mission of Mercy Dental Project in Garden City in February 2003, and since then, has held eight other projects in Garden City, Kansas City, Pittsburg, Wichita, Salina, Topeka, Manhattan, and Independence; and

WHEREAS, the Kansas Mission of Mercy Dental Project was created to provide free dental care to low-income patients across Kansas; and

WHEREAS, the Kansas Mission of Mercy Dental Project provides cleanings, fillings and extractions, and other dental services at no cost to both children and adults; and

WHEREAS, at the nine Kansas Mission of Mercy Dental Projects to date, 521 Kansas dentists have volunteered and provided free dental care; and

WHEREAS, through the nine Kansas Mission of Mercy Dental Projects, Kansas dentists have treated more than 17,500 patients with free dental care valued at more than \$8.5 million; and

WHEREAS, the Kansas Mission of Mercy Dental Project has been integral to the creation of a nationwide dental Mission of Mercy effort; and

WHEREAS, the Kansas Mission of Mercy Dental Project is a project of the Kansas Dental Charitable Foundation; and

WHEREAS, the Kansas Dental Association founded the Kansas Dental

Charitable Foundation in 2002 as a 501(c)(3) foundation: Now, therefore,
Be it resolved by the House of Representatives of the State of Kansas: That we hereby recognize January 21, 2011, as Dentist Appreciation Day to honor the charitable spirit of Kansas dentists who have given countless hours to provide free dental care through the Kansas Mission of Mercy Dental Projects.

Be it further resolved: That the Chief Clerk of the House of Representatives shall send six enrolled copies of this resolution to Representative O'Neal.

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 were thereupon introduced and read by title:

HB 2023, AN ACT concerning controlled substances; amending K.S.A. 65-4107, 65-4109 and 65-4111 and K.S.A. 2010 Supp. 65-4105 and 65-4113 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2024, AN ACT creating the constitutional education suitability commission, by Committee on Vision 2020.

HB 2025, AN ACT concerning the regulation of motor carriers; exemptions of certain carriers; amending K.S.A. 2010 Supp. 66-1,109 and repealing the existing section, by Committee on Appropriations.

HB 2026, AN ACT enacting the Kansas immigration accountability act, by Committee on Federal and State Affairs.

HB 2027, AN ACT concerning the rules and regulations filing act; amending K.S.A. 77-438 and K.S.A. 2010 Supp. 77-415, 77-421 and 77-436 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 77-421a, by Committee on Judiciary.

HB 2028, AN ACT concerning trusts; relating to insurable interests of trustees, by Committee on Judiciary.

HB 2029, AN ACT concerning the Kansas tort claims act; concerning charitable health care providers; amending K.S.A. 2010 Supp. 75-6102 and repealing the existing section, by Committee on Judiciary.

HB 2030, AN ACT concerning open records; relating to exceptions to disclosure; amending K.S.A. 2010 Supp. 9-513c, 40-2,118, 40-4913 and 45-229 and repealing the existing sections, by Committee on Special Committee on Judiciary.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Wednesday, January 19, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*