

Journal of the House

TWELFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 26, 2011, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Suellentrop was excused on legislative business.

Reps. Davis and D. Gatewood were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Father God,
 Today we come seeking You,
 because for all the answers, we honestly may have no clue.
 The bills and resolutions are coming in
 at a rapid pace.
 Your wisdom and discernment, we now embrace.
 For native Kansans across this land,
 their best interest is our command,
 and our thoughts and opinions
 are one among millions.
 So, to determine the right solution,
 to Your will, we will listen and take action.
 In Your Son's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Bowers.

Kansas Trivia Question – “Buffalo Bill” Cody helped found the first European-American settlement in Ellis County, but it wasn't a permanent settlement as rival Hays City siphoned off the population. What was the name of Cody's ghost town that died about 1870?

Answer: Rome

INTRODUCTION OF GUESTS

Rep. Pauls introduced the Reno County Youth Leadership group who are spending the day at the Capitol.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2092, AN ACT concerning the employment security law; relating to unemployment benefits for privately contracted school bus drivers; amending K.S.A. 2010 Supp. 44-706 and repealing the existing section, by Committee on Transportation.

HB 2093, AN ACT concerning motor vehicles; relating to vehicle identification number inspection fees; amending K.S.A. 2010 Supp. 8-116a and repealing the existing section, by Committee on Transportation.

HB 2094, AN ACT concerning public health; relating to exemptions from the administration of vaccinations; amending K.S.A. 72-5209 and K.S.A. 2010 Supp. 65-508 and repealing the existing sections, by Committee on Health and Human Services.

HB 2095, AN ACT concerning school districts; enacting the school sports head injury prevention act, by Committee on Health and Human Services.

HB 2096, AN ACT concerning water; providing for a coordinated water data repository system; granting preservation easement authority to the Kansas water office; including drinking water costs in water plan storage rates; amending K.S.A. 82a-910 and K.S.A. 2010 Supp. 2-1915, 82a-1308a, 82a-1602, 82a-1603, 82a-1604, 82a-1605 and 82a-1606 and repealing the existing sections, by Committee on Vision 2020.

HB 2097, AN ACT concerning the agricultural ethyl alcohol producer incentive fund; relating to extension; amending K.S.A. 2010 Supp. 79-34,164 and repealing the existing section, by Committee on Energy and Utilities.

HB 2098, AN ACT concerning controlled substances; relating to methamphetamine precursors; amending K.S.A. 65-4109 and 65-4123 and K.S.A. 2010 Supp. 65-4113 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 65-16,101, 65-16,102, 65-16,103, 65-16,104, 65-16,105, 65-16,106, 65-16,107 and 65-16,108. , by Committee on Corrections and Juvenile Justice.

HB 2099, AN ACT concerning agriculture; establishing a Kansas goat council, by Committee on Agriculture and Natural Resources.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2089**.

Commerce and Economic Development: **HB 2088**.

Education Budget: **HB 2090**.

Health and Human Services: **HB 2082**, **HB 2083**.

Insurance: **HB 2085**.

Judiciary: **HB 2087**.

Local Government: **HB 2084**.

Pension and Benefits: **HB 2086**.

Taxation: **HB 2091**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2031** from Committee on Corrections and Juvenile Justice and referral to Committee on Judiciary.

COMMUNICATIONS FROM THE STATE OFFICERS

From Lynn Robinson, Management Systems Analyst II, Policy and Research, Kansas Department of Revenue, pursuant to K.S.A. 12-4001-4008, 2010 Kansas Advisory Council on Intergovernmental Relations (KACIR), Annual Report.

The complete report is on file and open for inspection in the office of the Chief Clerk.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6008**—

By Committee on Energy and Utilities

A RESOLUTION opposing the Environmental Protection Agency's regulatory train wreck.

WHEREAS, The United States Environmental Protection Agency (EPA) has proposed or is proposing numerous new regulations, particularly in the area of air quality and regulation of greenhouse gases, that are likely to have major effects on the economy, jobs and the competitiveness of the United States in worldwide markets; and

WHEREAS, The EPA's regulatory activity concerning air quality and greenhouse gases has become known as the "train wreck," because of the numerous and overlapping requirements and because of the potentially devastating consequences this regulatory activity may have on the economy; and

WHEREAS, Concern is growing that, with cap-and-trade legislation having failed in Congress, the EPA is attempting to obtain the same results through the adoption of regulations; and

WHEREAS, Over-regulation by the EPA is driving jobs and industry out of the United States; and

WHEREAS, Neither the EPA nor the Administration has undertaken any comprehensive study of what the cumulative effect of all of this new regulatory activity will have on the economy, jobs and competitiveness; and

WHEREAS, The EPA has not performed any comprehensive study of what the environmental benefits of its greenhouse regulation will be in terms of impacts on global climate; and

WHEREAS, State agencies are routinely required to identify the costs of their regulations and to justify those costs in light of the benefits; and

WHEREAS, Since the EPA has identified "taking action on climate change and improving air quality" as its first strategic goal for the 2011 to 2015 time period, the EPA should be required to identify the specific actions it intends to take to achieve these goals and to assess the total cost of all these actions together; and

WHEREAS, The legislature supports continuing improvements in the quality of the nation's air and believes that such improvements can be made in a sensible fashion without damaging the economy as long as there is a full understanding of the cost of the regulations at issue; and

WHEREAS, The primary goal of government at the present time must be to promote economic recovery and to foster a stable and predictable business environment that will

lead to the creation of jobs; and

WHEREAS, Public health and welfare will suffer without significant new job creation and economic improvement, because people with good jobs are better able to take care of themselves and their families than the unemployed and because environmental improvement is only possible in a society that generates wealth: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge Congress to adopt legislation prohibiting the EPA, by any means necessary, from regulating greenhouse gas emissions, including defunding EPA greenhouse gas regulatory activities; and

Be it further resolved: That we urge Congress to impose a moratorium on promulgation of any new air quality regulation by the EPA by any means necessary, except to directly address an imminent health or environmental emergency, for a period of at least two years, including defunding EPA air quality regulatory activities; and

Be it further resolved: That we urge Congress to require the Administration to undertake a study identifying all regulatory activity that the EPA intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and specifying the cumulative effect of all of these regulations on the economy, jobs and American economic competitiveness. This study should be a multi-agency study drawing on the expertise both of the EPA and of agencies and departments having expertise in, and responsibility for, the economy and the electric system and should provide an objective cost-benefit analysis of all of the EPA's current and planned regulations together; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall be directed to provide enrolled copies of this resolution to the EPA, the President of the United States, the Kansas Congressional Delegation, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the Majority Leader of the United States Senate and the Minority Leader of the United States Senate.

Upon unanimous consent, the House referred back to the regular order order of business, Introduction of Bills and Concurrent Resolution.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2100, AN ACT concerning school districts; relating to supplemental general state aid; relating to consolidated or disorganized school districts; amending K.S.A. 2010 Supp. 72-6434b and repealing the existing section, by Committee on Education.

HB 2101, AN ACT concerning the courts; relating to the court of appeals; appointment of judges; amending K.S.A. 20-3006 and K.S.A. 2010 Supp. 20-3002 and repealing the existing sections; also repealing K.S.A. 20-3004, 20-3005, 20-3007, 20-3008, 20-3009 and 20-3010, by Representatives Kinzer, Collins, Gregory, Huebert, Kelley, Mast, Meigs, O'Brien, O'Hara, Patton, Peck, Rhoades, Rubin, Ryckman, Siegfried, Suellentrop and B. Wolf.

HB 2102, AN ACT concerning certain open records; relating to nondisclosure of certain records; amending K.S.A. 2010 Supp. 45-221 and repealing the existing section, by Committee on Judiciary.

HB 2103, AN ACT concerning children in need of care; relating to termination of parental rights; amending K.S.A. 2010 Supp. 38-2269 and repealing the existing section, by Committee on Children and Families.

HB 2104, AN ACT concerning mental health information; relating to access by law enforcement officers; amending K.S.A. 2010 Supp. 65-5603 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2105, AN ACT concerning children in need of care; relating to removal of a child from parent's custody; amending K.S.A. 2010 Supp. 38-2255 and repealing the existing section; also repealing K.S.A. 2010 Supp. 38-2255a, by Committee on Children and Families.

HB 2106, AN ACT concerning trespass and liability; exceptions, by Committee on Federal and State Affairs.

HB 2107, AN ACT establishing the community defense act; amending K.S.A. 2010 Supp. 22-3901 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2108, AN ACT concerning state government; relating to the transfer of all powers, duties and functions of the adult protective services program of the department of social and rehabilitation services to the office of the attorney general of the state of Kansas, by Committee on Aging and Long Term Care.

HB 2109, AN ACT concerning the state conservation commission; relating to the Kansas dam rehabilitation program, by Committee on Agriculture and Natural Resources.

REPORT ON ENROLLED RESOLUTIONS

HR 6005, HR 6006, HR 6007 reported correctly enrolled and properly signed on January 26, 2011.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Thursday, January 27, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

