

Journal of the House

THIRTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 2, 2011, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Vickrey in the chair.

The roll was called with 119 members present.

Reps. Fund and Kiegerl were excused on verified illness.

Reps. Davis and O'Neal were excused on legislative business.

Reps. O'Brien and Pottorff were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
Today we stand here before You
and ask that You guide us, grant us wisdom,
and give us Your understanding.
As we head into even busier days,
I pray that you gift these leaders
with Your spiritual fruit of
affection for others,
exuberance about life,
and serenity.
Help them to develop a willingness
to stick with things,
a sense of compassion in the heart,
and a conviction that a basic holiness
permeates things and people.
Help them to find themselves involved in loyal commitments,
not needing to force their way in life,
able to marshal and direct their energies wisely.
Empower them to work out the implications
of these gifts in every detail of their life.
In Your Son's Name I pray,
Amen.

(Based upon Galatians 5:22-25, [The Message](#))

The Pledge of Allegiance was led by Rep. Goico.

Kansas Trivia Question – In 1858 the first institution of higher learning in the state

was established. What was the name of this school that is now a community college?

Answer: Highland College

INTRODUCTION OF GUESTS

Rep. Calloway introduced Jack Overman of Pittsburg to the members of the body. Mr. Overman is considered to be the city's "Spirit Leader." Rep. Calloway presented him with a framed House certificate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and concurrent resolution were introduced and read by title:

HB 2366, AN ACT concerning taxation; relating to countywide retailers' sale tax; authority for Douglas county; amending K.S.A. 2010 Supp. 12-187 and repealing the existing section, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. HCR 5022—

By Special Committee on Natural Gas Storage Fields and Facilities

A CONCURRENT RESOLUTION urging adoption of federal regulations or policies permitting Kansas to regulate the underground storage of natural gas in interstate transportation.

WHEREAS, Due to a recent adverse federal court ruling that held 49 U.S.C. § 60104(c) precludes a state authority from adopting or enforcing safety standards for interstate pipeline facilities or pipelines transporting gas in interstate transportation, the state of Kansas may not regulate the safety of underground storage of gas in interstate transportation; and

WHEREAS, It is vital that the Federal Energy Regulatory Commission and the United States Department of Transportation or the United States Congress allow Kansas to provide the necessary oversight to ensure the safe operation of natural gas storage within the state of Kansas; and

WHEREAS, Several significant incidents have occurred where natural gas or hazardous liquids have escaped from storage and resulted in loss of life and property; and

WHEREAS, The safe underground storage of natural gas within an interstate transportation system is a vital process to ensure efficient development and production of Kansas natural gas resources; and

WHEREAS, The growth of the production, transportation and storage of natural gas is an important element in the preservation and creation of jobs in Kansas; and

WHEREAS, For decades, natural gas transportation companies have integrated underground natural gas storage into their interstate pipeline operations to increase deliverability and decrease overall costs; and

WHEREAS, The regulation of underground natural gas storage wells have been performed by state agencies and the Federal Energy Regulatory Commission to varying degrees, but not by the United States Department of Transportation; and

WHEREAS, Through Advisory Bulletin ADB-97-04, and other correspondence, the Pipeline and Hazardous Materials Safety Administration (PHMSA) or its predecessor agency has noted gas storage facilities are not covered by PHMSA pipeline safety regulations; and

WHEREAS, The PHMSA has urged state regulators to develop state-sponsored safety programs of wellbores and underground facilities to make new federal regulations unnecessary; and

WHEREAS, Kansas, as well as many other states, has adopted rules and regulations regarding the safe operation of wellbores and underground gas and liquid storage facilities; and

WHEREAS, The State Corporation Commission has the experience and technical ability to regulate the safety of underground storage of gas; and

WHEREAS, It is imperative that the citizens of the state of Kansas be protected from accidents or mishaps at facilities used for the underground storage of natural gas and that both interstate and intrastate gas storage companies be regulated to assure that facilities are operated in a safe manner: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature urges the Federal Energy Regulatory Commission, U.S. Department of Transportation and the Kansas Corporation Commission to adopt legislation or policies that would provide Kansas, and other states, administrative jurisdiction to assure the safe operation of wellbores associated with the underground storage of natural gas that is in interstate transportation; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the United States Department of Transportation Secretary, the Commissioners of the Federal Energy Regulatory Commission, members of the National Association of Regulatory Utility Commissioners, members of the Kansas Congressional Delegation, the Chairman of the United States House of Representatives Committee on Transportation and Infrastructure, the Governor of Kansas and the Executive Director of the Interstate Oil and Gas Compact Commission.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **SB 124**.

Energy and Utilities: **Sub. SB 50**.

Insurance: **SB 136**.

Local Government: **SB 112**.

Taxation: **SB 1, SB 10, SB 116, SB 177, SB 198, SB 212**.

MESSAGE FROM THE GOVERNOR

February 25, 2011

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive order No. 11-03 for your information.

EXECUTIVE ORDER NO. 11-03
Concerning Combining the
Governor's Military Council

SAM BROWNBACK
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

In accordance with House Rule 1507, Speaker pro tem Vickrey announced the following bills were stricken from the calendar:

HB 2058, HB 2093, HB 2197, HB 2201.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

HOUSE RESOLUTION No. **HR 6012**—

By Representative Sloan

A RESOLUTION in memory of Robert V. Talkington.

WHEREAS, Robert V. Talkington, 81, of Iola, passed away December 26, 2010. A former Kansas legislator, he served in the Senate from 1973 to 1988 and the House of Representatives from 1969 to 1972; and

WHEREAS, Mr. Talkington was born August 23, 1929, near Patrick, Texas, to William H. and Nannie Patrick Talkington. Mr. Talkington graduated from Wilmer-Hutchens High School, near Dallas, Texas. He attended Tyler Junior College, Tyler, Texas, on a football scholarship, and received an associates degree in 1949. He transferred to the University of Kansas, on football and baseball scholarships, where he lettered in both sports and received a bachelor's degree in education in 1951. He earned his juris doctor from the University of Kansas in 1954; and

WHEREAS, In his 15 years in the Kansas Senate, this big man with a big heart was well known as an effective lawmaker and leader, but was equally renowned for his raucous sense of humor and love for practical jokes. Virtually everyone knew him as "Talk," and he fostered warm, personal relationships with legislators, staff and lobbyists alike. He was generous and thoughtful to those with whom he served. "Talk" served as vice-president of the Senate from 1977 to 1981, majority leader from 1981 to 1985, and Senate president from 1985 to 1989. He was a member of the Senate Judiciary Committee and the Senate Ways and Means Committee. While in the House of Representatives, Mr. Talkington was vice-chairman of the Legislative Services and Facilities Committee, and a member of the House Judiciary Committee, the House Ways and Means Committee, the House Roads and Highways Committee and the House State Parks and Memorials Committee. He was a member of the Capitol Dome Commission which issued a request for submission of sculpture designs to be considered for the top of the dome. The committee members reviewed the submissions and ultimately selected the regal and elegant design of the Kansas Indian statue, Ad Astra, that graces the dome today. "Talk" also left his mark through his dedicated efforts in defining the budgets for the Kansas Regents Universities, the state's transportation network and the state's judicial system, ; and

WHEREAS, In his private life, Mr. Talkington was an accomplished lawyer, serving as a private attorney in Iola, the county attorney for Allen County, the city attorney for Moran, the city attorney for Gas, and an attorney for Allen County Hospital and Allen County Community College; held numerous leadership posts, serving as a member of the Kansas Board of Regents from 1996 to 1999, including as its chairman from 1997 to

1998, and two terms on the Kansas Turnpike Authority, 1997 to 1985 and 1989 to 1993; and contributed to the University of Kansas, serving on its Greater University Fund, on its board of governors for the School of Law, and as a member of the Williams Educational Fund and Jayhawks for Higher Education; and

WHEREAS, Mr. Talkington has been further recognized for his commitment to public service. In 2002, the U.S. Highway 169 in Allen County was designated the "Senator Robert V. Talkington Highway" in recognition of his years of service to Kansas. In 2005, the Kansas Bar Association honored him with the Distinguished Government Service Award. In 1998, Tyler Junior College honored him with the Outstanding Public Service Award. In 2009, he was inducted into the Tyler Junior College Sports Circle of Honor for his outstanding achievements in athletics, professional activities and community service; and

WHEREAS, Mr. Talkington's marriage to Donna Schmaus spanned 58 years; she died in 2009. They were blessed with five children, Jill, Jacki, Lisa, Jim, and Tom, two children who died in infancy, Jeanne and Donald, and 11 grandchildren; and

WHEREAS, Mr. Talkington was a great man and a great Jayhawk. He will be remembered for his many significant contributions to the legal profession and his dedicated service to the communities of Iola, Allen county and the state of Kansas, his love of his family; these are truly his legacy: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we extend our deepest sympathy to the family and friends of Robert V. Talkington for the loss of their father and grandfather and gratefully acknowledge the years of public service "Talk" gave to his state and community; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide 20 enrolled copies of this resolution to Representative Sloan to provide to "Talk's" extended family.

REPORT ON ENGROSSED BILLS

HB 2139, HB 2194, HB 2240, HB 2312 reported correctly engrossed February 25, 2011.

Also, **HB 2067, HB 2080, HB 2195; Sub. HB 2271** reported correctly engrossed March 1, 2011.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Thursday, March 3, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

