

SESSION OF 2010

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2596

As Amended by House Committee on
Commerce and Labor

Brief*

HB 2596 would provide that the Department of Health and Environment could not adopt rules and regulations for the Residential Childhood Residential Childhood Lead Poisoning Prevention Act that are more stringent, restrictive or expansive than those of the United States Environmental Protection Agency (EPA).

Background

Those who expressed support of the bill included conferees on behalf of the Kansas Building Association, Wichita Building Association, Associated General Contractors of Kansas, Home Builders Association, Wichita Public Schools, Kansas Association of Insurance Agents, Kansas Building Industry Association and remodeling contractors.

Opposition to the bill was expressed by representatives on behalf of Children's Mercy Hospital, Kansas Housing Resources Corporation, Baker Environmental Consulting, Inc., Ben's Kitchens, and the Kansas Department of Health and Environment (KDHE).

The Committee made a technical amendment to the bill and also deleted the provision of the original bill that would not require any person who tests for lead based paint or performs lead based paint mitigation in the state to file a report regarding the testing or mitigation with KDHE.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The fiscal note, on the original bill, indicates the passage of HB 2596 could jeopardize federal funding received by KDHE and the Department of Commerce because the bill would reduce the scope of regulations approved by EPA for support of licensing/certification and regulatory activities. Although a precise amount of possible funding reductions cannot be estimated at this point; KDHE currently receives approximately \$700,000 annually for lead poisoning prevention activities. The Department of Commerce receives several million dollars annually for housing rehabilitation through small grants to cities, and the Kansas Housing Resources Corporation administers federal grant dollars connected to weatherization. Finally, direct entitlement cities (Kansas City, Wichita, Topeka, and Lawrence) could also face a loss of grant funds provided through the United States Department of Housing and Urban Development. Any fiscal effect resulting from the passage of the bill is not included in *The FY 2011 Governor's Budget Report*.