

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:30 a.m. on March 14, 2007 in Room 423-S of the Capitol.

All members were present except:

Tim Huelskamp- excused  
Steve Morris- excused  
Derek Schmidt- excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research  
Art Griggs, Office of Revisor of Statutes  
Judy Seitz, Committee Assistant

Conferees appearing before the Committee:

Representative John C. Grange, District 75  
Representative Eber Phelps, District 111  
Leslie Kaufman, Executive Director, Kansas Cooperative Council (KCC)  
Mary Jane Stankiewicz, Vice President and General Counsel, Kansas Agribusiness Retailers Association (KARA)  
Justin Holstin, Executive Vice President, Propane Marketers Association of Kansas (PMCA)  
Pat Lehman, Executive Director, Kansas Association of Conservation Districts (KACD)  
Joe Fund, Chief Fiscal Officer, Kansas Water Office (KWO)

Others attending:

See attached list.

Chairman Taddiken opened the hearing on **SB 2294 - Exemption from Kansas propane safety and licensing act licensure and training requirements.**

Representative John C. Grange, District 75, testified in support of **SB 2294 (Attachment 1)**. He said this would allow a contractor who is licensed in one county or city and after paying the license and permit fees in another county or city to continue to work as long as they meet all other requirements in that jurisdiction where they are wanting to work or provide service.

Representative Grange offered to stand for questions.

Representative Eber Phelps, District 111, gave testimony in support of **SB 2294 (Attachment 2)**. He said individuals who have successfully completed Block or Exporior National Testing programs are licensed to safely make connections of propane fueled equipment to propane supply sources. He also stated that further requirements for testing and training would be a duplication of what has already been done.

Representative Phelps took questions from the Committee.

Leslie Kaufman, Executive Director, Kansas Cooperative Council (KCC), spoke in support of **SB 2294 (Attachment 3)**. She said the KCC sees this bill as one means of streamlining recognition for certifications already earned relative to propane safety and reducing duplicate regulatory requirements.

Ms. Kaufman offered to take questions.

Mary Jane Stankiewicz, Vice President and General Counsel, Kansas Agribusiness Retailers Association (KARA). The KARA believes that the individuals who receive a certificate under the law have been shown to be knowledgeable and capable professionals and her Association supports the exemption of these persons from the Propane Safety Act. **(Attachment 4)**

Ms. Stankiewicz took questions from the Committee.

CONTINUATION SHEET

MINUTES OF THE Senate Agriculture Committee at 8:30 a.m. on March 14, 2007 in Room 423-S of the Capitol.

Justin Holstin, Executive Vice President, Propane Marketers Association of Kansas, presented comments in favor of **HB 2294** (Attachment 5).

Mr. Holstin answered questions from the Committee.

Representative Grange also answered questions from the Committee regarding the licensing process.

Chris Wilson, Executive Director, Kansas Building Industry Association (KBIA), submitted written testimony in support of **HB 2294** (Attachment 6).

No opponents of **HB 2294** appeared.

Hearings on **HB 2294** were closed.

Senator Bruce moved that **SB 2294** be passed out favorably and placed on the consent calendar, seconded by Senator Ostmeyer. Motion passed.

Chairman Taddiken opened the hearings on **HB 2048 - Conservation districts, funding; increasing state conservation commission budget request limitation**. The concept of this bill is similar to **SB 60 - Conservation districts, funding**. **SB 60** passed out of this Committee unanimously and was later sent to the Ways and Means Committee. This bill is still in the Ways and Means Committee.

Pat Lehman, Executive Director, Kansas Association of Conservation Districts, (KACD) spoke in support of **HB 2048** (Attachment 7). This bill would increase aid to conservation districts from \$10,000 to \$25,000.

Mr. Lehman offered to stand for questions.

Joe Fund, Chief Fiscal Officer, Kansas Water Office, presented testimony in support of **HB 2048** (Attachment 8). He said that conservation districts are responsible for the local administration of several State Water Plan Programs. The state's ability to deliver these statewide programs hinges on the capability of conservation districts in each of the 105 counties.

Mr. Fund took questions from the Committee.

There were no opponents to **HB 2048**.

Hearings were closed on **HB 2048**.

Senator Bruce moved to add the following sentence in line 24 after the word "district" to **HB 2048**, which is also in **SB 60**: "This \$25,000 limitation shall be applicable for fiscal year 2008 and thereafter", seconded by Senator Ostmeyer. Motion passed.

Senator Ostmeyer moved to add: "subject to appropriation, therefor," immediately after "thereafter" in line 24, seconded by Senator Pine. Motion passed.

Senator Ostmeyer moved **HB 2048** be passed as amended, seconded by Senator Pine. Motion passed.

Meeting adjourned at 9:18 a.m.



JOHN C. GRANGE  
 REPRESENTATIVE, 75TH DISTRICT  
 BUTLER COUNTY



TOPEKA

HOUSE OF  
 REPRESENTATIVES

## COMMITTEE ASSIGNMENTS

AGRICULTURE AND NATURAL RESOURCES  
 COMMERCE AND LABOR  
 AGRICULTURE AND NATURAL RESOURCE  
 BUDGET

### Testimony on HB 2294 Before the Senate Committee on Agriculture March 14<sup>th</sup> 2007

By Rep. John C. Grange, Representative 75<sup>th</sup> District Kansas Legislature, and Owner, CEO, Carlisle Heating and Air Conditioning, 1100 North Main El Dorado Kansas, 67042

I present this testimony to clarify the issue that has arisen as an unintended consequence from Sub for SB 335 as agreed to March 31, 2004 and led to subsequent rules and regulations from the State Fire Marshal Office, that became effective in October of 2006.

The intent of Sub SB 335 is to enact the Kansas Propane Safety and Licensing act and give the State Fire Marshal authority to establish programs relating to the regulation and licensing of the liquefied petroleum (LPG) industry in the state.

The intent is to require licensing of dealers that are engaged in the retail distribution, bulk storage, cylinder transfer companies, recreation vehicle fueling stations, and etc. What started out as an effort to improve the safety practices of this industry has led to the requirement that service providers, specifically those that service LPG appliances to be likewise licensed by the Fire Marshal, irrespective of current license holdings.

The issue of this required license has led to my intervention beginning in November 2006. I proposed a change to Mr. Jack Alexander, the State Fire Marshal, to the rules and regulations to exclude those service providers that are already licensed by recognized code authorities and jurisdictions. That is; county and city code enforcement that require certification by existing state statute K.S.A. 12-1508 et seq. or 12-1541 et seq. This statute allows for statewide acceptance of certification of contractors and allows the test results received in one community jurisdiction to be accepted in other jurisdictions within the state.

Simply put, this allows a contractor who is licensed in Sedgwick County, and after paying the license and permit fees in Butler County, Douglas County, Lawrence, Topeka, or elsewhere, to continue to work as long as they meet all other requirements in that jurisdiction where they are wanting to work or provide service. This usually requires proof of insurance and mandates permits and inspections for work performed.

Not much difference in accepting my drivers license from El Dorado that allows me to operate a motor vehicle in any city or county in the state, or even the United States for that matter.

K.A.R. 22-8-10, (8) as written will require everyone that works on, repairs, installs, moves, or services any appliance that is fueled by LPG, pay a \$20.00 fee and to have a state Fire Marshall issued license and meet all the requirements of this statute.

*Senate Agriculture Committee*  
*3-14-07*

Since last October 06, I have worked with the interested parties that include builders, code authorities, city and county inspectors, mechanical contractors, union officials, and the State Fire Marshal office, to correct this unnecessary redundant license requirement. We had an agreement that was acceptable to all parties, The base statute is to license those individuals that are not subject to existing code authorities and is endorsed by those of us that already meet these requirements.

On February 5<sup>th</sup> the Kansas State Attorney General issued a letter signed, by Theresa Marcel Bush, Assistant Attorney General, that K.S.A. 55-1808 does not allow exemption of anyone and that to accomplish exemption, current Kansas law must first be amended. Essentially the State Fire Marshal cannot amend his own rules and regulation.

The training required by this statute and the classes that are mandated; currently are required in our own local jurisdiction. As professional contractors we want continuing education and as a matter of fact we as an industry provide this training as a way of setting us apart from those that wish to practice our trade after hours, on weekends, and as "moonlighters". We must carry insurance, get permits, stay current with code updates, and keep our employees trained.

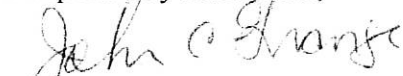
HB 2294, recognizes the professionals that are already tested and certified by a National Testing Agency whose results are accepted by the State of Kansas and certified by local authorities; that we do not need to carry a card issued by the state that certifies us for the same thing. Why would we need multiple drivers licenses? Would that make us safer drivers? I think not.

Current law would allow State Fire Marshal licensing, training, and inspection of those not otherwise certified.

On 02/16/07 HB 2264 was passed favorably and placed on the consent calendar by Agriculture and Natural Resources Committee. Following the 3 days on the consent calendar, the bill passed 121-0, which brings us to this point in its lifecycle.

I thank you for your consideration on this matter and I would ask for your support of HB 2294. I want to thank Chairman Taddiken and committee members for your time, I will be happy to stand for your questions.

Respectively Submitted,



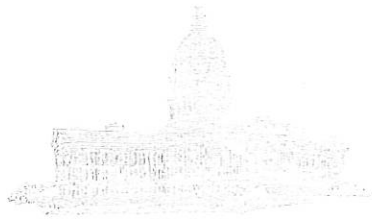
Rep. John C. Grange

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

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FUND OVERSIGHT  
LEGISLATIVE BUDGET

Testimony  
Senate Agriculture  
HB 2294  
Representative Eber Phelps, District 111  
March 14, 2007

Good morning Chairman Taddiken and members of the committee. Thank you for the opportunity to appear before you today and testify in favor of the exemption provision provided by HB 2294.

This exemption targets those individuals who have already completed training and testing in the area of fuel gases as well as licensure.

Individuals who have successfully completed Block or Exporior National Testing programs are in fact, licensed to safely make connections of propane fueled equipment to propane supply sources.

Many communities in Kansas require Block or other national testing programs for technicians and plumbers to qualify for licensure and the ability to handle fuel gases within their jurisdictions.

Further requirements for testing and training would simply duplicate what has already been done to insure a safe environment when working with propane or other fuel gases.

Thank you for the opportunity to testify. I will be happy to stand for questions.

*Senate Agriculture Committee  
3-14-07  
Attachment 2*

Kansas  
Cooperative  
Council

Kansas Cooperative Council  
816 S.W. Tyler St., Suite 300  
Topeka, Kansas 66612

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## Senate Committee on Agriculture

March 14, 2007

Topeka, Kansas

### **HB 2294 – Recognizing Certain Certification as Sufficient Training Thus Exempting Holder from Requirements Under the Kansas Propane Safety Act.**

Thank you, Chairman Taddiken and members of the Senate Agriculture Committee for the opportunity to comment today in support of HB 2294.

I am Leslie Kaufman and I serve the Kansas Cooperative Council as Executive Director. The Kansas Cooperative Council represents all forms of cooperative businesses across the state -- agricultural, utility, credit, financial and consumer cooperatives. Approximately half of our membership is involved in agriculture/farm supply and marketing. Many of these cooperatives are actively engaged in propane supply and delivery operations.

As many of you will remember, our association was one of the main proponents of the Kansas Propane Safety Act. We have remained actively involved in the development of regulations to implement the Act. Our KCC policy position on propane outlines our support for this program, but it also reflects our general philosophy encouraging the avoidance of duplication in regulatory matters. The pertinent part to today's discussion states:

#### **Propane Dealer Registration and Liability Protection**

***Safety is of paramount concern for propane dealers in Kansas. The Council supports licensing and registration programs that fulfill the requirements under Kansas law as a means of insuring that those delivering propane or performing work on any part of a propane system do so in a conscientious manner. We encourage the State Fire Marshall to recognize industry training that meets statutory and regulatory parameters as sufficient for licensing requirements...***

The agriculture industry knows first-hand about the complexities of overlapping regulations. We appreciate efforts to reduce unnecessary regulatory burdens where possible and appropriate for various industry sectors. We see HB 2294 as one means for streamlining recognition for certifications already earned relative to propane safety, thus reducing duplicative regulatory requirements. As such, we encourage you to look favorably on HB 2294. Thank you.

The Mission of the Kansas Cooperative Council is to promote, support and advance the interests and understanding of agricultural, utility, credit and consumer cooperatives and their members through legislation and regulatory efforts, education and public relations.

Senate Agriculture Committee  
3-14-07  
Attachment 3



**KANSAS AGRIBUSINESS RETAILERS ASSOCIATION**  
*SAFE AND ABUNDANT FOOD THROUGH SOUND SCIENCE*

**SENATE AGRICULTURE COMMITTEE**

**HB 2294 – Kansas Propane Safety and Licensing Act**

**MARCH 14, 2007**

Good morning chairman Taddiken and members of the Senate Agriculture Committee, I am Mary Jane Stankiewicz, Vice President and General Counsel for the Kansas Agribusiness Retailers Association (KARA). KARA's membership includes over 700 agribusiness firms that are primarily retail facilities that supply fertilizers, crop protection chemicals, seed, petroleum products and agronomic expertise to Kansas farmers. KARA's membership base also includes providing propane to a number of people in rural Kansas.

I appear in support of HB 2294. The original propane safety act was enacted a couple of years ago with the purpose of increasing the education of the propane consumers and increasing the professionalism of the propane industry. At that time there was not any mandatory licensing or educational requirements specifically for the propane industry. The law was seen as a step forward in developing a standard for those dealing with propane.

However, last year it was determined that this law would require certain individuals in the heating and air conditioning and the plumbing business that had already been certified as being knowledgeable in their area of expertise to also be licensed through this act. While KARA appeared in support of the original propane safety act, we never intended for anyone to be doubly regulated and licensed. This duplication of licensing does not provide any benefit to the state or to the citizens and therefore is unnecessary.

We believe that the individuals who receive a certificate under the law have shown to be knowledgeable and capable professionals. These are not the type of people that the original bill was attempting to reach and regulate. Therefore, we support the exemption of these individuals from the propane safety act.

I thank you for your time and attention and urge your support of HB 2294. I would be happy to stand for questions at the appropriate time.

*Senate Agriculture Committee  
3-14-07*





## PROPANE MARKETERS ASSOCIATION OF KANSAS

501 SE Jefferson , Suite 2000 Topeka, KS 66608 Phone: 785/354-1749 Fax: 785/354-1740 jkholstin@pmak.org

March 14, 2007

Mr. Chairman and Members of the Senate Agriculture Committee;

Thank you Mr. Chairman, members of the committee, I appreciate the ability to come and talk to you about HB 2294.

My name is Justin Holstin and I am the Executive Vice President of the Propane Marketers Association of Kansas. The Propane Marketers Association of Kansas represents about 200 members in all aspects of the propane industry including retail, wholesale, transportation, production, and manufacturing of propane and propane related equipment. The propane industry serves more than 98,000 households in Kansas, not including barbeque grills, heaters, agricultural implements and application, and motor vehicles. Each year over 192 million gallons of propane are consumed in Kansas.

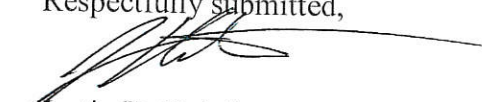
Today we are here to address HB 2294. This issue has been one that has been discussed and worked on for over five months after it was brought to our attention by a group of certified plumbers and HVAC personnel who felt that the licensing of their group would be redundant and unnecessary. A major issue that the propane industry has had for many years is that of faulty installations done by businesses across the state. This remains an issue, but we also understand that the people that you have heard from today, and those they represent, are in-fact reputable and do what they can to make sure systems are installed correctly. However, through our conversations, we made it known that we still want to license those plumbers and installers that are in areas that do not have oversight as they do in Sedgwick and Butler counties and other jurisdictions or do not have their certification.

On another note, we receive many calls each day from plumbing and HVAC industry personnel who are interested in receiving education classes related to propane installations and equipment servicing, which is the true intent of the original legislation: to reach out and provide opportunities for those that need expanded knowledge.

We had come to what we all believed a workable solution to this issue of making a change in the regulations that apply the statute and the Fire Marshal's office had requested an emergency regulation change, but that was denied for lack of statutory authority. Therefore, and I agree, the issue has come back to this committee.

The Propane Marketers Association agree with the intent of this legislation as it is presently written which is the culmination of many months of work and would ask for your support and quick resolution of the issue. I would be happy to stand for questions.

Respectfully submitted,

  
Justin K. Holstin  
Executive Vice President

Senate Agriculture Committee  
3-14-07

Attachment 5



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STATEMENT OF KANSAS BUILDING INDUSTRY ASSOCIATION

TO THE SENATE AGRICULTURE COMMITTEE

SENATOR MARK TADDIKEN, CHAIR

REGARDING H.B. 2294

MARCH 14, 2007

Mr. Chairman and Members of the Committee, I am Chris Wilson,  
Executive Director of the Kansas Building Industry Association (KBIA). KBIA  
is the statewide trade association of the home building industry, with  
approximately 2500 member companies.

Thank you for the opportunity to support H.B. 2294. We believe that it  
was unforeseen by the Legislature when the original law was passed three years  
ago, that it would have the affect of requiring another license for those contractors  
who are already locally tested and licensed in order to do propane related work.

We ask that you support H.B. 2294 in order to clarify that those who have  
been locally licensed and certified by the standard state examination that includes  
fuel gas are exempt from the additional licensure.

Senate Agriculture Committee  
3-14-07

Attachment 6





**Kansas Association of Conservation Districts**

*Representing Local Conservation Districts*

**Senate Committee on Agriculture  
By Pat Lehman  
Kansas Association of Conservation Districts  
Testimony – HB 2048  
March 14, 2007**

Thank you Mr. Chairman and members of the committee; I am Pat Lehman, Executive Director of the Kansas Association of Conservation Districts. I am here in support of HB 2048.

The Kansas Association of Conservation Districts (KACD), a voluntary, nongovernmental, nonprofit organization, was established in 1944 to support programs designed to advance the conservation and orderly development of Kansas land, water, and related resources. Its members are the conservation districts located in the state's 105 counties.

There have been partnerships among federal, state, and local entities all committed to a common goal: wise and efficient conservation practices to protect the state's natural resources. These partnerships spanning more than six decades have been highly effective and mutually beneficial, allowing for shared space, equipment, and knowledge.

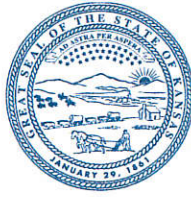
Because of the mutual benefit afforded by these partnerships, what impacts one also impacts the others. The Kansas Natural Resources Conservation Service (NRCS) has been given the challenge to prepare for major budget reductions that threaten not only that agency's programs and services but local conservation districts offices as well. The level of budget cuts NRCS currently faces, and therefore local conservation district offices face as well, is particularly challenging for committed conservationists.

The Kansas NRCS has announced along with the Farm Service Agency they will no longer have a daily presence in eleven County Conservation Districts.

HB 2048 increases the Aid to Conservation Districts currently at \$10,000 to \$25,000. We urge your support of the bill

Thank you and I will be glad to answer any questions.

*Senate Agriculture Committee  
3-14-07  
Attachment 7*



**K A N S A S**

TRACY STREETER, DIRECTOR

KANSAS WATER OFFICE

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on House Bill 2048  
Conservation District Funding**

**Presented to  
The Senate Agriculture Committee**

**Tracy Streeter  
Kansas Water Office  
March 14, 2007**

Chairman Taddiken and members of the Committee, I am Tracy Streeter, Director of the Kansas Water Office. I appreciate the opportunity to appear this afternoon to testify in support of House Bill 2048.

Conservation districts are responsible for the local administration of several State Water Plan Programs, including the Water Resources Cost-Share, Non-Point Source Pollution Control, Riparian and Wetland Protection and the Kansas Water Quality Buffer Initiative. The state's ability to deliver these statewide programs hinges on the capability of conservation districts in each of the 105 counties.

The Kansas Water Authority meeting has expressed its support for enhanced State General Funds to match county funding for conservation districts and the legislation necessary to enable increased matching funds. A letter of support from the Water Authority is attached.

Thank you again for the opportunity to appear today. I would be happy to answer questions at the appropriate time.

*Senate Agriculture Committee  
3-14-07*

*Attachment 8*

# KANSAS WATER AUTHORITY

901 South Kansas Avenue, Topeka, KS 66612-1249 (785) 296-3185



**Steve Irsik, Chairman**

5405 Six Road, Ingalls, KS 67853

(620) 335-5363 - [steve@ucom.net](mailto:steve@ucom.net)

January 10, 2007

Dear Senators and Representatives:

The Kansas Water Authority has developed FY2008 Budget Recommendations in its Annual Report to the Governor and Legislature for your consideration. Subsequent to these recommendations being approved, the Authority was presented with an issue by the Kansas Association of Conservation Districts because of funding cuts being made at the federal level.

Late last year, the USDA Farm Services Agency and the Natural Resources Conservation Service announced plans to close 11 of its offices in Kansas due to federal budget cuts. The Kansas Conservation Districts are commonly co-located with the federal offices, allowing cost savings and improved delivery of services and technical assistance to federal and state assistance programs. The proposed closure of USDA offices would eliminate many State Conservation Districts' ability to exist in these areas, subsequently reducing the effective delivery and implementation of state financial assistance programs. Conservation district operational expenses will increase without the co-location support of a USDA presence.

The proposal by the Kansas Association of Conservation Districts increases the amount of funds Conservation Districts are able to receive under State Aid to Conservation Districts. This county matching program provides a \$10,000 match to county provided funds for conservation district operation to implement state financial assistance and other programs. Currently, the Aid to Conservation Districts allocation is \$1,048,000. State appropriations supplement county allocated funds and are utilized by conservation districts for operational expenses including, but not limited to, salaries and wages; office supplies; equipment; information and education activities; and district supervisor and staff travel expenses. It also enables conservation districts to implement state cost-share conservation programs and other conservation programs.

The KWA is supportive of a proposal by the Kansas Association of Conservation Districts. An additional \$1,086,154 is requested from State General Fund for state fiscal year 2008 to increase the state appropriations to match county supplied funds, not to exceed \$25,000 per district, contingent on statutory change. The Kansas Water Authority supports legislative actions in revising K.S.A. 2-1907c to increase the state financial assistance to conservation districts to match county supplied funds, not to exceed \$25,000 per district. The provisions of K.S.A. 2-1907c authorizing state appropriations to match county supplied funds, not to exceed \$10,000 per district has been at the current funding level since 1994.

The increase will provide 96 county conservation districts with additional operating funds to assist with implementing natural resource programs to protect and enhance Kansas' natural resources. See the table (pages 49 & 50 of the SCC FY2008 Budget Request) listing the FY2007 county appropriations for each conservation district, eligible FY2008 match from the state, and the FY 2008 Proposed Match figures. Furthermore, the increase in matching funds will illustrate to county commissioners the state's commitment to conservation and provide an opportunity to take advantage of increased matching funds from the state.

This request would dovetail with a major proposal in the KWA's FY2008 Budget Recommendations which includes shifting funding for the State Conservation Commission's Aid-to-Conservation Districts to the State General Fund from the State Water Plan Fund. This shift in funding is part of a larger request that would make the same shift of funding for the KDHE Local Environmental Protection Program (LEPP); the KDHE Contamination Remediation Program; and the KDA, DWR Interstate Water Issues to the State General Fund. These funding recommendation shifts an additional \$4 million to be re-directed to address priority water projects across Kansas.

On behalf of the Kansas Association of Conservation Districts, the Kansas Water Authority respectfully requests legislative support of this proposal for FY2008.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Irsik". The signature is written in a cursive, flowing style.

Steve Irsik  
Chairman