

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman John Faber at 3:30 P.M. on February 12, 2007, in Room 423-S of the Capitol.

All members were present except:

Representative Holmes, excused
Representative Aurand, excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Jason Thompson, Revisor of Statutes
Florence Deeter, Committee Assistant

Conferees appearing before the committee:

Representative Grange, District 75
Representative Phelps, District 111
Representative Otto, District 9
Justin Holstin, Executive Vice-President Propane Marketers Association
Lonny G. Wright, Chairman, Wichita Plumbing Board of Appeals
Ron Means, Chairman, Mechanical Trades Advisory Council
Mary Jane Stankiewicz, Kansas Agribusiness Retailers Association
Leslie Kaufman, Kansas Cooperative Council
Steve Adams, Kansas Department of Wildlife and Parks
Chris Mammoliti, Past President, Kansas Chapter of American Fisheries Society
Ron Klataske, Executive Director, Audubon of Kansas
Bill Jensen, Kansas Wildlife Advisory Council
Tom Thompson, Kansas Sierra Club
Alan Pollom, Nature Conservancy

Others attending:

See attached list.

The Chairman opened the hearing on **HB 2294** - exemption from Kansas propane safety and licensing act; licensing and training requirements.

Raney Gilliland, Kansas Legislative Research, provided some historical background on the bill. The Propane Association requested the 2004 Legislature consider certain requirements for licensure, education and training for persons in the propane industry. The Kansas propane safety and licensing act gives the state fire marshal responsibilities to administer the necessary training. The bill provides for exceptions to licensing and education requirements under the state fire marshal.

Representative Grange, District 75, speaking as a proponent of **HB 2294**, and CEO of Carlisle Heating and Air Conditioning to clarify a proposed change of the rules and regulations which would allow for statewide acceptance of certified contractors to provide service in areas of the state other than the specific county of licensure issuance. He said that current law allows the state fire marshal to license, train and provide inspection of persons not otherwise certified (Attachment 1).

Representative Phelps, District 111, spoke in favor of the exemption provision provided in **HB 2294**. He said that additional testing of individuals who have completed National Testing and are licensed is redundant and unnecessary (Attachment 2).

Justin Holstin, Executive Vice-President Propane Marketers Association, a proponent of **HB 2294**, advocates the licensure and certification of plumbers and installers in the areas that do not have oversight. At issue is that of faulty installations done by some business entities across the state. Mr. Holstin reiterated the original intent of the legislation was to provide education in relation to propane installations and in providing service to existing equipment (Attachment 3).

Lonny G. Wright, Chairman, Wichita Plumbing Board of Appeals, spoke as a proponent of **HB 2294**,

CONTINUATION SHEET

MINUTES OF THE House Agriculture and Natural Resources Committee at 3:30 P.M. on February 12, 2007, in Room 423-S of the Capitol.

advocating the need for protection in areas of the state which do not have current licensing and inspection requirements ([Attachment 4](#)).

Ron Means, Chairman, Mechanical Trades Advisory Council (MTAC), advised the members that the number of trade associations and labor unions who participate in MTAC are supportive of **HB 2294**. He said the propane safety act is appropriately worded and exempts these certified tradesmen from additional examination ([Attachment 5](#)).

Mary Jane Stankiewicz, Kansas Agribusiness Retailers Association (KARA), spoke as a proponent of **HB 2294** stating that KARA believes lawfully certified individuals who have demonstrated professional skills in the propane industry do not need duplication of licensing ([Attachment 6](#)). She said KARA supports exempting providers of propane from the propane safety act.

Leslie Kaufman, Kansas Cooperative Council (KCC), presented the position of KCC regarding **HB 2294** as being one means for streamlining recognition for certifications already obtained ([Attachment 7](#)). She said the bill would reduce duplicative regulatory requirements for various industries.

Written testimony in support of **HB 2294** was submitted by Chris Wilson, Executive Director of the Kansas Building Industry Association ([Attachment 8](#)).

The Chairman closed the hearing on **HB 2294**.

Hearing on HB 2311

Representative Bill Otto, District 9, spoke as a proponent of **HB 2311** - repealing non-game and endangered species conservation act. He said that in the flood plain of the south part of Iola, Kansas, there are adequate abatement areas of habitat for skunks and other wildlife ([Attachment 9](#)). Representative Otto said the problem lies in the unfinished portion of flood control in his district; his positional request is to repeal this law.

Steve Adams, Natural Resources Coordinator for Kansas Department of Wildlife and Parks, speaking as an opponent of **HB 2311** said that projects related to threatened or endangered species are closely regulated by the department ([Attachment 10](#)). He said that modifications are made to avoid impacting various species and when a project changes or removes habitat for spawning and nesting, project sponsors are asked to have in place specific plans to replace lost habitat. Mr. Adams stated the importance of providing protection for species at the state level in order to remain off the federal endangered species list.

Mr. Adams provided a copy of the listings of both Kansas and Federal Threatened and Endangered Species ([Attachment 11](#)).

Chris Mammoliti, Past President, Kansas Chapter of American Fisheries Society, brought testimony regarding **HB 2311** stating the majority of Kansans support the protection of habitat that is critical to the existence of endangered species ([Attachment 12](#)). He cited data from a science publication which reviewed the status of fish in Kansas; a decline of 46% was reported. Mr. Mammoliti said that local control as opposed to federal oversight would be of greater benefit to Kansans, and if this bill is repealed, by default the Federal government will gain control.

Ron Klataske, Executive Director, Audubon of Kansas, speaking in opposition to **HB 2311** stated that it is highly important to prevent species from becoming endangered and that prevention is one of the priorities of conservation programs ([Attachment 13](#)). His testimony included information regarding the proposed reintroduction of the Black-footed Ferret in Logan County. Imperative to the programs' success is the presence of prairie dogs. He said the U. S. Fish and Wildlife Service is working in collaboration with stakeholders and in partnership with some ranch landowners.

Bill Jensen, Kansas Wildlife Advisory Council, spoke on behalf of the Central Plains Society of Mammalogists ([Attachment 14](#)). He noted the biological consequences and the economic and legal ramifications of repealing **HB 2311**. Mr. Jensen further stated that without the provision of funds, students in various universities will be limited in their contribution to the study of conservation of threatened and

CONTINUATION SHEET

MINUTES OF THE House Agriculture and Natural Resources Committee at 3:30 P.M. on February 12, 2007, in Room 423-S of the Capitol.

endangered species in Kansas.

Tom Thompson, Kansas Sierra Club, opposes the repeal of **HB 2311** as an act of irresponsibility. (Attachment 15). He stated that Kansas is noted for protecting wildlife in the state; it is unwise to allow the Federal Government define the parameters of protection for endangered species.

Alan Pollom, State Director, Kansas Chapter, The Nature Conservancy, testified in opposition to **HB 2311** (Attachment 16). He said The Nature Conservancy is a private-non-profit 501c3 organization and priority is given to the preservation of plants and animals by providing protection of the flora and fauna needed for survival. Much work is being done to protect conservation easements in the Flint Hills of Kansas. Mr. Pollom revealed the organization is completing the process of a capital campaign to raise 11 million private dollars for the continuing work of supporting the Kansas non-game and endangered species act.

The Chairman closed the hearing on **HB 2311**.

The Chairman announced a tour of Rolling Hills Landfill on Thursday, February 15, 2007 at 7:30 a.m. Meet at the East Door for transportation.

A joint meeting with Senate Agriculture and Senate Natural Resources on Friday, February 16, 2007 at 7:30 a.m. in Room 313-S. Mr. Bill Fuller, State Executive Director of Kansas Farm Service Agency will be the speaker.

Representative Knox presented a report from the sub-committee on the changes related to the dam inundation bill. He said the maps produced by the Department of Agriculture will be distributed to the register of deeds then given to the county commission. If passed, the cost would be prioritized by the Department of Agriculture and the State Conservation Commission and limited to the amount of appropriations.

The meeting was adjourned at 5:00 p.m.