

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE & SMALL BUSIN

Held in Room 529-S, at the Statehouse at 10:00 a.m. a. m./p. m.,

on Wednesday, March 25, 1981, 19 .

All members were present, ~~XXXX~~

The next meeting of the Committee will be held at _____ a. m./p. m.,

on Call by Chairman, 19 .

These minutes of the meeting held on Wednesday, March 25, 1981, 19 were considered, corrected and approved.



Chairman

The conferees appearing before the Committee were:

Bill Duitsman, State Board of Agriculture
John Blythe, Kansas Farm Bureau
John Crofoot, Kansas Association of Wheat Growers
Mark Boranyak, Kansas Beer Wholesalers Association
Bob Sutton, Kansas State Bottlers' Association
Ken R. Rissler, U.S. Brewers Association
Bob Bingaman, Associated Students of Kansas
Jim Marquez, Retail Liquor Dealers
Tom Kennedy, ABC Division

Senator Kerr called the meeting to order. He stated the committee would be hearing House Bills 2515 and 2417.

HOUSE BILL 2515

Bill Duitsman stated this bill would extend the certification period for a private applicator's certificate now required under the Kansas Pesticide Law for application of restricted use pesticides from three to five years to all individuals who have a valid private applicator's certificate on June 30, 1981. At the end of five years, an individual could be recertified by mail. Answering a question, Mr. Duitsman stated the second test would be similar to the first. The present fee charged of \$5.00 would remain the same.

Answering Senator Norvell's question regarding the charge covering expenses, Mr. Duitsman stated it may cost \$6 to \$6.50 for each certification but he feels since the period has been extended to five years the \$5 fee is sufficient. Also, the mail certification could reduce expenses slightly.

John Crofoot, Kansas Wheat Growers, said his Association favors this bill.

Senator Kerr called attention to the letter from Kansans for Safe Pest Control dated March 23, 1981, written by Terry Shafer, R. R. 3, Lawrence, Kansas, in which they oppose House Bill 2515. (See Attachment "A" to original minutes.)

HOUSE BILL 2174

Mark Boranyak, speaking for the Kansas Beer Wholesalers Association--a statewide trade organization of 56 beer distributors wholesaling a wide variety of malt beverage products to over 5,000 retail outlets throughout the state of Kansas, stated his Association supports this bill. Engineers are continuously working to improve the tabs. (See Attachment "B" to original minutes.)

(MORE)

CONTINUATION SHEET -2-

Minutes of the SENATE AG-SB Committee on March 25, 1981, 19

Bob Sutton, Kansas State Bottlers Association, stated they are in favor of this bill. Answering Senator Norvell's question as to whether this bill would put a financial burden on any dealers in Kansas, Mr. Sutton felt that it would not, as far as he knew at the present time. Many companies buy containers from other distributors in various surrounding states.

Senator Kerr questioned whether the orange juice container would come under this bill; there was no definite answer.

Ken Rissler, U.S. Brewers Association, stated his Association is in favor of this bill.

Bob Bingaman, Associated Students of Kansas, testified his organization was in favor of this bill.

Jim Marquez, Kansas Retail Dealers Association, stated their Association supports this bill. (See Attachment "C" to original minutes.)

Tom Kennedy, Director, ABC Division, distributed Attachment "D" to original minutes which sets out the various aspects of this bill. His testimony states the ABC could operate with no fiscal impact associated with its passage. ABC is neither a proponent or an opponent of this bill. He stated the bill was patterned after the Connecticut, Iowa, Oregon and Michigan laws. He would check on whether orange juice containers would come under this bill's provisions, and let Senator Kerr know.

Senator Kerr called attention to the statement of Frances Kastner, dated March 25, 1981, endorsing House Bill 2174. (See the Kansas Food Dealers' Association Attachment "E" to original minutes.)

Senator Karr moved, seconded by Senator Norvell, that House Bill 2174 be reported favorably for passage. Senator Reilly made a substitute conceptual motion to include bottle caps or anything dangerous, seconded by Senator Allen. Substitute motion failed. The primary motion carried. Senator Allen and Senator Reilly voted "No".

HOUSE BILL 2515

Senator Gannon moved, seconded by Senator Thiessen, that House Bill 2515 be reported favorably for passage. Motion carried.

HOUSE BILL 2458

Senator Thiessen moved that this bill be amended on Line 40 to correct the spelling of "Glissus" to "Blissus", seconded by Senator Montgomery. Motion carried. Senator Thiessen moved, seconded by Senator Montgomery that House Bill 2458 be reported favorably as amended. Senator Karr encouraged the committee to consider redrafting this bill or putting it into a resolution and include the two products mentioned in previous testimony. Senator Reilly felt a bill is much more effective than a resolution. Discussion followed as to whether other products could be included in the bill. After discussion, the motion to report favorably House Bill 2458 carried.

Senator Kerr announced that no more committee meetings are scheduled this session except that a meeting might be called to discuss possible interim topics. He thanked the committee members for their work.

Meeting adjourned.

#####

Kansans for Safe Pest Control
RR 3
Lawrence, KS 66044
23 March 1981

Senator Fred A. Kerr, Chairman
Senate Committee on Agriculture and Small Business
Statehouse
Topeka, KS 66612

Dear Mr. Kerr:

Kansans for Safe Pest Control would like to submit the following comments on HB 2515 to the Senate Committee on Agriculture and Small Business. Please make these comments available to all committee members.

I. We oppose HB 2515 because it severely weakens the private applicator certification system in both its educational role and its role of certifying applicators as competent to use restricted use pesticides.

II. Who is required to be certified?

Certification is required for those who wish to use restricted use pesticides. Restricted use pesticides are those which EPA judges may result in unreasonable adverse effects to the environment, including injury to the applicator, even when used in accordance with directions, warnings and cautions on the label. People using restricted use pesticides certainly need the opportunity to receive up-to-date training and information about pest control and the use of chemicals. And all of us need the assurance that those who are certified are aware of the hazards involved--more assurance than we get through the take-home exam system.

III. Why is there dissatisfaction with current recertification programs?

Anyone attending a private applicator recertification program would know why some farmers have called them "insulting" and asked for improvement. To give some examples:

(1) There is a section on integrated pest management, but it gives no concrete examples or any indication of how IPM might work in practice. It gives the impression that such things are beyond the comprehension of those who are there to be recertified.

(2) Cotton gloves are shown as part of the protective clothing on an applicator mixing chemicals in a tank.

(3) The only environmental considerations mentioned were insect resistance to pesticides and groundwater contamination as a disposal problem. Much more pertinent problems which the applicator faces every day--how to prevent drift, how to avoid killing bees, or how to comply with other warnings on pesticide labels--were ignored.

(4) No mention was made of low-drift application equipment or of the fact that there was available (in that room) an article on recirculating and wick applicators.

(5) The discussion of the pesticide law was concerned with one issue only--who is required to be certified. No mention was made of possible liability for the misuse of pesticides, for example.

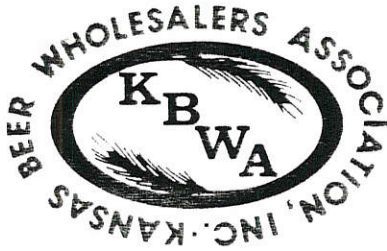
IV. Is HB 2515 an improvement?

We believe that farmers need and want more information, not less. If there is opposition to recertification programs because they are not good enough, then the programs need to be improved. It does no good to require that "County extension agricultural meetings shall include pertinent pesticide information for private applicators." They do now. We believe that farmers need better programs which would be attractive not just as an alternative to taking a test--programs which would consider the whole range of pest control problems--from identifying the pest to a consideration of all the pest control options.

Sincerely,

Terry Shafer

Terry Shafer
Kansans for Safe Pest Control



March 25, 1981

Keep this for reference

STATEMENT OF SUPPORT FOR HOUSE BILL 2174

BEFORE THE SENATE AGRICULTURE AND SMALL BUSINESS COMMITTEE

MR. CHAIRMAN AND MEMBERS OF THE SENATE AGRICULTURE AND SMALL BUSINESS COMMITTEE, MY NAME IS MARK BORANYAK AND I REPRESENT THE KANSAS BEER WHOLESALERS ASSOCIATION--A STATE-WIDE TRADE ORGANIZATION OF 56 BEER DISTRIBUTORS WHOLESALING A WIDE VARIETY OF MALT BEVERAGE PRODUCTS TO OVER 5,000 RETAIL OUTLETS THROUGHOUT THE STATE OF KANSAS. FIRST OF ALL, I WOULD LIKE TO THANK YOU FOR GIVING ME AND MY ORGANIZATION THE OPPORTUNITY TO SPEAK IN SUPPORT FOR HOUSE BILL 2174, A MEASURE THAT, IF ENACTED, WOULD PROHIBIT THE RETAIL SALE OF METAL BEVERAGE CONTAINERS WITH DETACHABLE RING PULL TABS AFTER JANUARY 1, 1982.

BREWERS PRESENTLY SHIP BEER INTO THIS STATE TO WHOLESALERS USING DETACHABLE RING PULL TABS. HOWEVER, THE TECHNOLOGY ALREADY EXISTS TO SHIP THE PRODUCT IN CONTAINERS USING NON-DETACHABLE RING PULL TABS (STAY-ON-TABS). THESE SAME BREWERS SHIPPING BEER INTO THIS STATE ALSO SHIP BEER INTO 15 OTHER STATES THAT BAN THE USE OF DETACHABLE RING PULL TABS. THESE STATES INCLUDE ALASKA, CONNECTICUT, DELAWARE, HAWAII, IOWA, MAINE, MASSACHUSETTS, MICHIGAN, MINNESOTA, OHIO, OREGON, SOUTH CAROLINA, VERMONT AND VIRGINIA. IN ADDITION, THE USE OF STAY-ON-TABS IS NOW THE STANDARD WITHIN THE KANSAS SOFT DRINK INDUSTRY.

COSTWISE, THE USE OF STAY-ON-TABS FOR BEVERAGE CONTAINERS WOULD BE MINIMAL TO KANSAS CONSUMERS. INDUSTRY SOURCES HAVE INDICATED THAT THE INCREASED COST PER CASE OF CANS WITH STAY-ON-TABS OVER THOSE WITH DETACHABLE RING PULL TABS IS ONLY 2¢. THIS AMOUNTS TO ½¢ PER SIX PACK--A NEGLIGIBLE ECONOMIC IMPACT THAT IN OUR OPINION WOULD NOT BE PASSED ONTO THE KANSAS CONSUMER.

REQUIRING THE USE OF STAY-ON-TABS IS ALSO ECOLOGICALLY SOUND. AS AN EVOLUTION FROM THE "CHURCH KEY" DAYS OF OPENING BEVERAGE CONTAINERS, THE DETACHABLE RING PULL TAB WAS GREATLY ACCEPTED BY CONSUMERS EVERYWHERE. HOWEVER, DETACHABLE RING PULL TABS HAVE THE TENDENCY TO BE IMPROPERLY DISCARDED AND THE END RESULT CAN BE DAMAGE TO WILDLIFE AS FISH AND OTHER SMALL ANIMALS INGEST THE RING PULL TAB. ADDITIONALLY, INDISCRIMINATELY DISCARDED RING PULL TABS CAN CAUSE CUT FEET AS PEOPLE, ESPECIALLY CHILDREN, STEP ON THEM. THESE PROBLEMS WOULD BE ELIMINATED BY THE USE OF STAY-ON-TABS.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, HOUSE BILL 2174 IS SUPPORTED BY INDUSTRIES YOU MIGHT EXPECT TO OPPOSE SUCH A MEASURE. HOWEVER, OUR INDUSTRY AND THE OTHERS THAT WILL ALSO TESTIFY IN SUPPORT OF HOUSE BILL 2174 THIS MORNING CAN SEE NO VALID REASON WHY THIS MEASURE SHOULD NOT BE PASSED. IT IS FEASIBLE FOR THE INDUSTRIES CONCERNED. IT IS SUPPORTED BY INDUSTRY TO A VERY LARGE DEGREE. IT IS ECOLOGICALLY SOUND. IT IS NON-INFLATIONARY. IT IS EASILY ENFORCEABLE AND IT SHOULD HAVE NO FISCAL NOTE. IT IS AN IDEA WHOSE TIME HAS ARRIVED!

THE BEER WHOLESALING INDUSTRY IN KANSAS ASKS THAT YOU REPORT HOUSE BILL 2174 FAVORABLY FOR PASSAGE.

TO: Senate Agriculture and Small Business Committee
Senator Fred A. Kerr, Chairman

FROM: Kansas Retail Liquor Dealers Association

RE: House Bill 2174

The Kansas Retail Liquor Dealers Association Supports House Bill 2174.

Liquor retailers sell large quantities of beer in cans in the State of Kansas. KRLDA has not researched the economic implications of requiring nondetachable tops or whether manufacturers can fulfill the needs for Kansas consumers. If such cans can be provided in sufficient quantities to satisfy the needs of consumers and those who sell the products, we can certainly endorse the proposal.

Secondly, the KRLDA understands some of the problems caused by detachable tops and the Association feels this type of legislation would go extremely far towards alleviating some of those problems.

Respectfully submitted,



Payne H. Ratner, Jr.
Jim J. Marquez

MEMORANDUM

TO: Fred Kerr, Chairman
Senate Agriculture and Small Business Committee

FROM: THOMAS J. KENNEDY, Director, ABC Division

DATE: March 25, 1981

RE: House Bill 2174

PURPOSE

House Bill 2174, as introduced, would prohibit the retail sale of all metal beverage containers that are designed so that a part of the container is detachable in opening the container. The bill provides the Director of Alcoholic Beverage Control with the responsibility for designating which liquid beverages are to be included in the Act. The bill provides a definition of "IN THIS STATE" that includes all federal territory in the State. Violations of this Act would be classified as a class C misdemeanor.

PERSPECTIVE

"Beverage Container" means any sealed can containing beer, cereal malt beverage, mineral waters, soda water and similar soft drinks so designated by the director of alcoholic beverage control, in liquid form and intended for human consumption.

"In this state" means within the exterior limits of the state of Kansas and includes all territory within these limits owned by or ceded to the United States of America.

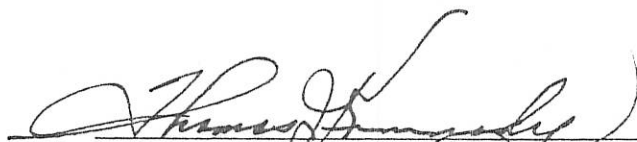
No person shall sell or offer for sale at retail in this state any metal beverage container so designed and constructed that a part of the container is detachable in opening the container. This act, if enacted, shall apply to all beverage containers sold after January 1, 1982.

COMMENTS AND/OR RECOMMENDATIONS

Due to the regulatory nature of this bill, there would be no fiscal impact associated with the passage and there would be no additional administrative costs or problems associated with enactment of this bill.

The Division of Alcoholic Beverage Control is neither a proponent nor an opponent of this bill.

Respectfully submitted,


THOMAS J. KENNEDY, DIRECTOR

Wed -

Kansas Food Dealers' Association, Inc.

JAMES G. SHEEHAN, EXECUTIVE DIRECTOR
2809 WEST 47th STREET • SHAWNEE MISSION, KANSAS 66205
PHONE (913) 384-3838

March 25, 1981

OFFICERS

- STAN HAYES, PRES.
MANHATTAN
- BILL WEST, VICE-PRES.
ABILENE
- JIM SHEEHAN
EXEC. DIRECTOR
SHAWNEE MISSION

SENATE AGRICULTURE & SMALL BUSINESS COMMITTEE HB 2174

A previous commitment prevents my appearing before you today, so I appreciate your taking time to read this.

DIRECTORS

- J.R. WAYMIRE
LEAVENWORTH
- VIC STANLEY
BLUE RAPIDS
- LEONARD MCKINZIE
OVERLAND PARK
- REX SUTHERLAND
PAOLA
- CHARLES BALLOU
CHANUTE
- DONALD CALL
CEDARVALE
- JOE ENSLINGER
WICHITA
- C. V. COMBS
WICHITA
- ROY FRIESEN
SYRACUSE
- JOE WHITE
KINGMAN
- JOHN DONELAN
COLBY
- DELL KLEMA
RUSSELL

As Director of Governmental Affairs for the Kansas Food Dealers Association, I want to ENDORSE HB 2174. Our membership consists of over 1500 food retailers, wholesalers, manufacturers and suppliers of food products throughout the entire State of Kansas.

Most of the metal beverage containers sold in our grocery stores already have the non-detachable opening. It was a problem that the industry recognized, and solved on their own initiative.

We are in complete agreement with the members of the House Energy and Natural Resources Committee that introduced this measure, and agree with them that this is a bill that is in the best interest of all our citizens.

We ask your favorable consideration of HB 2174.

DIRECTORS AT LARGE

- RUSTY SPRINGER
LAWRENCE
- JOHN SCOTT
SHAWNEE MISSION
- GLEN BREWER
PITTSBURG

If you have any questions, I will be happy to visit with any of you next week. Thank you for your consideration of this measure and for reading my comments.

HONORARY DIRECTORS

- DAVID (BUS) STILES
HERINGTON
- PAUL DART
GARDEN CITY

Frances Kastner
3310 West 7th, # 2
Topeka, Kansas 66606

(913) 232-3310

REPORTS OF STANDING COMMITTEES

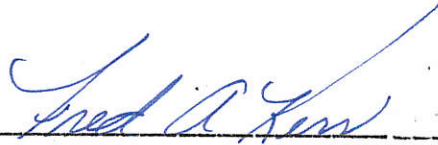
MR. PRESIDENT:

Your committee on Agriculture and Small Business

Recommends that House Bill No. 2174

"AN ACT relating to beverage containers; declaring certain acts to be unlawful and prescribing certain penalties therefor."

Be passed.



Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your committee on Agriculture and Small Business

Recommends that House Bill No. 2515 (As Amended by House Committee)

"AN ACT relating to agriculture; concerning certified private applicator's use of pesticides; amending K.S.A. 1980 Supp. 2-2445a and 2-2446 and repealing the existing sections."

Be passed.



Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your committee on Agriculture and Small Business

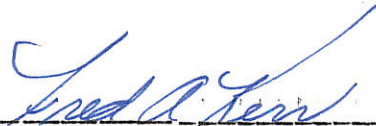
Recommends that House Bill No. 2458 (As Amended by House Committee)

"AN ACT relating to pest control; concerning the restricted use of endrin; authorizing the secretary of agriculture to promulgate rules and regulations."

Be amended:

On page 1, in line 40, by striking "Glissus" and inserting in lieu thereof "Blissus";

And the bill be passed as amended.



Chairperson

SENATE

AGRICULTURE AND SMALL BUSINESS COMMITTEE

DATE Wed March 25, 1981

PLACE: Room 423-S

TIME: 10:00 a.m.

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Don Cress	KSV - Manhattan	
John Blythe	Manhattan	K. F. B.
W. W. Dittman	Topeka	Board of Agriculture
Kenneth M. Wilke	"	" "
TAM KENNEDY	"	A.B.C. Div.
John Hofst	Topeka	K.A.W.C.
Breeman Barry	Topeka	Bd of Agri.
Jim Marquez	Topeka	Retail Ag Dealer
Wayne Probasco	"	Kan. Soft Drink Assoc
R. R. Rissler	"	U.S. Brewers Assn.
Mark Boranyak	"	Ks. Beer Wholesale Assn
Ed Huns	"	Fleming Cos.
Bob Bingham	"	Assoc. Students of Kansas
James Martin	Hollenberg	Hanover High School
Alan Meyer	Hollenberg	Hanover High School
Daniel Meyer	Hanover	Hanover High School
Doug Adams	Washington	"
Steve Wettes	Hanover	"
Todd Bruna	Hanover	"
Steve Bruna	Barnes	"
John O. Miller	Topeka	Committee of Ks. Farm Organization