

Approved April 1, 1988
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Representative Clifford Campbell at
Chairperson

9:12 a.m.~~pm~~ on March 24, 1988 in room 423-S of the Capitol.

All members were present except: Representatives Hamm, Dean, Gross, Lacey, Rezac, Solbach, Teagarden, and Wells.

Committee staff present: Raney Gilliland, Legislative Research Department
Norman Furse, Revisor of Statutes Office
Marjorie Brownlee, Committee Secretary

Conferees appearing before the committee: Mike Beam, Executive Secretary, Kansas Live-
stock Association
Wilbur Leonard, Committee of Kansas Farm Or-
ganizations

The minutes of Committee meetings for March 16, 17, and 18, 1988, were proffered by Committee Chairman Campbell for acceptance of the members. Representative Apt moved that the minutes be approved as submitted. Representative Roenbaugh seconded the motion. The motion passed.

The Chairman advised the Committee that on February 26, 1988, there was Committee discussion of HB 2934, an act relating to the repackaging of bulk pesticides. It was the consensus of opinion that the bill in its present form would be incapable of accomplishing anything inasmuch as the subject matter dealt with Federal regulations. It was, therefore, decided that it could better serve its purpose if it were presented through the proper channels in the form of a Resolution. The House Concurrent Resolution has been drafted by Norman Furse, staff, Revisor of Statutes. He was called upon by the Chairman to read it to the Committee and discuss it thereafter. (ATTACHMENT I)

After a brief discussion by the Committee, Representative Crumbaker moved that the Concurrent Resolution be adopted by the Committee and introduced to the House. Representative Sallee seconded the motion. The motion carried.

Another Resolution draft was presented to the Committee from the Senate Committee on Agriculture for the House Committee's concurrent acceptance. This Resolution has to do with the withdrawal of a proposed rule concerning reclassification of anhydrous ammonia. The Resolution, in essence, asks: "That we urge the Secretary of Transportation, James H. Burnley IV, to immediately withdraw the proposed rule which seeks to change the classification of anhydrous ammonia from 'nonflammable' to 'poisonous'"; and further: "That the Secretary of the Senate be directed to send copies of this resolution to Secretary James H. Burnley IV....." (ATTACHMENT II)

Representative Freeman moved that the Committee adopt and introduce the Resolution to the House. The motion was seconded by Representative Bryant. The motion carried.

Chairman Campbell declared the continuation of hearings on SB 529 to be open.

Mike Beam, Kansas Livestock Association, first addressed the Committee with regard to SB 529. He spoke in support of the bill and commented that the Kansas Livestock Association feels the bill could help in the development of programs which can enhance the profitability for Kansas agriculture producers. (ATTACHMENT III)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS,
room 423-S, Statehouse, at 9:12 a.m./p.m. on March 24, 1988

Wilbur Leonard, Committee of Kansas Farm Organizations, supported SB 529 reiterating the fact that ".....This bill would permit a landowner to allow legally licenses hunters and fishermen to enter his property to hunt or to fish and to charge such persons for that privilege without imposing upon such landowner any greater degree of care than that which is owed to those persons to whom no charge is made" and thus ".....enables him to recover some of the expenses incurred in raising and feeding game birds and animals, constructing and maintaining ponds and fences and repairing the damage caused by big game animals."

".....Successful game programs cannot succeed without the cooperation of the landowners, the hunters and the regulatory authority.....we believe the proposed change in the law would serve as a practical tool toward that end." (ATTACHMENT IV)

A brief discussion ensued. It was felt by the Chairman that there were some questionable items in the bill which needed to be cleared up so he appointed a sub-committee chaired by Representative Roenbaugh, together with Representatives Freeman and Solbach and several of the interested conferees to come up with a viable bill and/or amendments thereto. The sub-committee will report back to the Committee in meeting on Monday, March 28, 1988.

Hearings were closed on SB 529.

Final action on SB 637 was proclaimed the next order of business by the Chair.

Representative Neufeld moved that the Committee accept the proposed amendments in the balloon which Wilbur Leonard, Committee of Kansas Farm Organizations, provided on March 18, 1988. The motion was seconded by Representative Sallee. The Chairman called on Raney Gilliland, Legislative Research, to present and discuss these proposed amendments. After a brief discussion, the Committee voted favorably for the motion on the floor.

Representative Neufeld moved to pass SB 637 as amended. Representative Apt seconded the motion. The motion carried.

SB 448 was presented for final action.

Representative Neufeld moved that SB 448 be passed out of Committee favorably and put on the Consent Calendar. Representative Eckert seconded the motion. The motion passed.

The Chairman adjourned the meeting at 9:45 a.m.

The next meeting of the House Agriculture and Small Business Committee will be on Monday, March 28, 1988, at 9:00 a.m. in Room 423-S.

HOUSE CONCURRENT RESOLUTION NO. _____

A CONCURRENT RESOLUTION urging the United States Environmental Protection Agency to review its policy in regard to labeling and repackaging bulk pesticides.

WHEREAS, The federal Environmental Protection Agency has defined "bulk pesticide" as any amount greater than 55 gallons or 100 pounds dry; and

WHEREAS, EPA developed a bulk policy to permit dealers to repackage and sell pesticides in bulk without having to register the repackaged product; and

WHEREAS, State laws and requirements in regard to labeling or packaging of bulk pesticides have been preempted by federal law; and

WHEREAS, Federal Environmental Protection Agency policy causes problems to dealers and to purchasers in the sale of smaller amounts of pesticides: Now therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the United States Environmental Protection agency is hereby requested and encouraged to review its policy with respect to the labeling and repackaging of bulk pesticides because of the problems which this policy causes to purchasers of smaller amounts of pesticides; and

Be it further resolved: That the Secretary of State is hereby directed to send an enrolled copy of this resolution to Mr. Lee M. Thomas, Administrator, Office of Administration (A-100), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

SENATE RESOLUTION NO. _____

By Committee on Agriculture

A RESOLUTION urging the Secretary of Transportation of the United States, James H. Burnley IV, to withdraw the proposed rule concerning reclassification of anhydrous ammonia.

WHEREAS, Anhydrous ammonia is an efficient, effective, economical source of nitrogen fertilizer; and

WHEREAS, Anhydrous ammonia is currently classified as a nonflammable gas; and

WHEREAS, The United Nations, yielding to pressure from countries whose farmers are in direct competition with U.S. farmers, has recommended that anhydrous ammonia be reclassified as a poisonous gas; and

WHEREAS, This recommendation, if adopted by the United States, would significantly increase food costs to consumers and impose serious additional economic hardship on farmers in Kansas and throughout the United States; and

WHEREAS, Transporting anhydrous ammonia would be seriously threatened, effectively curtailed and prohibitively expensive because of sky-rocketing insurance costs for the few who would transport anhydrous ammonia if it is reclassified; and

WHEREAS, The recommendation is totally insensitive to economic conditions under which U.S. farmers are operating, and represents an unwarranted intrusion into the free flow of commerce: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we urge the Secretary of Transportation, James H. Burnley IV, to immediately withdraw the proposed rule which seeks to change the classification of anhydrous ammonia from "nonflammable" to "poisonous"; and

Be it further resolved: That the Secretary of the Senate be

directed to send enrolled copies of this resolution to Secretary James H. Burnley IV, Secretary of Transportation, 400 Seventh Street S.W., Washington, D.C. 20590, and to each member of the Kansas congressional delegation.



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Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

March 23, 1988

TO: House Agriculture Committee
Representative Cliff Campbell, Chairman

FROM: Mike Beam, Executive Secretary, Cow-Calf/Stocker Division

RE: SENATE BILL 529

The Kansas Livestock Association supports SB 529. This bill addresses the liability concern of most farmers and ranchers who lease their land or charge a fee for hunting and fishing rights on their property. Many of our members have considered a lease or fee hunting program to supplement their farm/ranch income. Quite often, they are discouraged by legal council and/or their insurance carrier. Hopefully, this legislation will address this concern.

Please realize that this bill does not eliminate all of the liability for a landowner who lets sportsmen hunt or fish on his land. Lines 45 to 48 still state that "nothing in this act limits in any way any liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity".

Quite often, farm groups, government agencies, and legislators try to develop programs that can enhance profitability for Kansas agriculture producers. For this reason, there has been much interest in lease or fee hunting and fishing. We believe this bill will remove a significant impediment for this opportunity and help many farmers and ranchers who pursue this business endeavor. I hope the committee will look favorably at SB 529 and recommend its passage. Thank you.

ATTACHMENT III

Comm tee of . . .

Kansas Farm Organizations

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TESTIMONY IN SUPPORT OF SENATE BILL NO. 529

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

AND SMALL BUSINESS

March 23, 1988

Chairperson Campbell, Vice-Chairperson Roenbaugh and Members of the
Committee:

I am Wilbur Leonard, appearing for the Committee of Kansas Farm Organizations. We appreciate this opportunity to express the views of our members concerning Senate Bill No. 529. Our interest in this measure is centered primarily on hunting and fishing.

This bill would permit a landowner to allow legally licensed hunters and fisherman to enter his property to hunt or to fish and to charge such persons for that privilege without imposing upon such landowner any greater degree of care than that which is owed to those persons to whom no charge is made. For the landowner, fee hunting and fishing enables him to recover some of the expenses incurred in raising and feeding game birds and animals, constructing and maintaining ponds and fences and repairing the damage caused by big game animals.

To the sportsman, it affords the opportunity to acquire access to hunting and fishing areas, and to know who is sharing those areas with him. Surveys indicate that a very significant percentage of hunters are willing to pay for a place to hunt and for the satisfaction of knowing who is shooting in the same area. Those persons do not expect the owner to use more than prudent care in insuring their safety and well being.

This legislation is needed for the reason that the present law places a greater duty of care on the farmer and rancher who accepts a fee

for the use of his property for hunting and fishing than it does on that same owner who admits those same hunters or fishermen to his property but does not charge them for that privilege. Some insurance representatives have indicated to landowners that, under the present law, their insurance rates would escalate if they charge hunters and fishermen.

We've heard considerable about the deer problem throughout the state, the destruction they cause and the overpopulation in certain areas. No one can deny that increased hunting is one step toward reducing those numbers. Fee hunting should result in opening up good hunting areas not now being made available to hunters, with the result of a greater deer kill.

To accommodate big game hunters on a farm or ranch requires considerable effort and a certain degree of management on the part of the occupant. For example, you'll probably move your livestock away from the area most likely hunted. You also want to know who and how many persons are hunting on your premises at any one time. You should be able to realize some return for your efforts.

Successful game programs cannot succeed without the cooperation of the landowners, the hunters and the regulatory authority. While not the total solution, we believe the proposed change in the law would serve as a practical tool toward that end.

Thank you for your consideration.