

Approved March 25, 1991  
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE

The meeting was called to order by Representative Lee Hamm at  
Chairperson

9:05 a.m./~~p.m.~~ on Wednesday, March 20, 1991 in room 423-S of the Capitol.

All members were present except: Representative Wempe, excused  
Representative Wisdom, excused  
Representative Gatlin, excused  
Representative Heinemann

Committee staff present:

Raney Gilliland, Legislative Research  
Lynne Holt, Legislative Research  
Jill Wolters, Revisor of Statutes Office  
Pat Brunton, Committee Secretary

Conferees appearing before the committee: Larry D. Woodson, Director, Kansas State  
Board of Agriculture, Division of Inspections

Chairman Hamm opened hearings on SB 309 - an act concerning agriculture; relating to anhydrous ammonia; allowing stop sale or stop use orders.

Larry Woodson, State Board of Agriculture, testified in support of SB 309. He stated SB 309 would amend K.S.A. 2-1217 of the Kansas Anhydrous Ammonia Law to provide for the authority to issue "stop use orders" on anhydrous ammonia equipment found to be unsafe for use when inspected by a member of the Agricultural Commodities Assurance Program (ACAP) staff. If enacted, this legislation would provide a legislative authority rather than policy under which "stop use orders" could be issued. Presently, if a firm fails to respond to a "stop use order" they are sent a letter of warning, or an administrative hearing is set and the facility operators are asked to repair the safety violation or discontinue use of the equipment. By making the "stop use order" part of the Kansas Anhydrous Ammonia Law, inspectors would have the full force of the act itself behind their actions. Any violation of a "stop use order" would then be subject to the penalty section of the Kansas Anhydrous Ammonia Law which is deemed a misdemeanor and carries a fine of up to \$500. (Attachment 1).

After a lengthy question and answer period, the hearings on SB 309 were closed.

Representative Rinehardt moved to pass SB - 309 favorably. Representative Minor seconded the motion. Motion carried.

The Chairman reminded the committee that hearings would start tomorrow on SB 73 - cooperative marketing act and asked that all committee members be present.

The meeting adjourned at 9:25 a.m. The next meeting of the House Agriculture Committee will be Thursday, March 21, 1991 at 9:00 a.m. in room 423-S.

HOUSE AGRICULTURE COMMITTEE

March 20, 1991

Good morning, Mr. Chairman and members of the House Agriculture Committee. My name is Larry D. Woodson, Director of the Kansas State Board of Agriculture's Division of Inspections. I am here today to testify in support of Senate Bill 309 which would amend K.S.A. 2-1217 of the Kansas Anhydrous Ammonia Law to provide for the authority to issue "stop use orders" on anhydrous ammonia equipment found to be unsafe for use when inspected by a member of our Agricultural Commodities Assurance Program (ACAP) staff.

The Anhydrous Ammonia Law is primarily a law which requires persons handling, selling and transporting anhydrous ammonia to follow safety regulations in order to reduce the incident of accidents involving this compound. Presently, the law requires anhydrous ammonia storage facilities to be inspected for safety by ACAP staff and deficiencies found are noted on the report and a stop use order (red tag) is placed on the piece of equipment found to be faulty. This "stop use order" is issued by the authority of administrative policy established in 1988 and is not established or contained in the act or promulgated regulations.

If enacted, this legislation would provide a legislative authority rather than policy under which "stop use orders" could be issued. Presently, if a firm fails to respond to a "stop use order" they are sent a letter of warning, or an administrative hearing is set and the facility operators are asked to repair the safety violation or discontinue use of the equipment. By making the "stop use order" part of the Kansas Anhydrous Ammonia Law, inspectors would have the full force of the act itself behind their actions. Any violation of a "stop use

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order" would then be subject to the penalty section of the Kansas Anhydrous Ammonia Law which is deemed a misdemeanor and carries a fine of up to \$500.

We would appreciate your favorable consideration of Senate Bill 309.

I will attempt to answer any questions that the committee may have.