

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on March 13, 1997, in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Doug Wareham, Vice President of Government Affairs, Kansas Grain and Feed Association
Constantine Cotsoradis, Director, Division of Weights & Measures, Kansas Department of Agriculture
Marty Vanier, Executive Director, Kansas Agricultural Alliance (written only)
Joe Lieber, Executive Vice President, Kansas Cooperative Council (written only)
Rich Porter, Public Member, Kansas State Board of Technical Professions

Others attending: See attached list

Hearing on SB 82 - Test weights housed in grain elevators required to be approved every three years not annually

Chairperson Flower opened the hearing on **SB 82**. Raney Gilliland, Legislative Research Department, explained that this bill would amend the weights and measures law requiring the testing of test weights or equipment, which have the nominal capacity of 250 pounds or greater and which are housed in a grain elevator or similar structure, every three years instead of the current annual testing requirement.

Doug Wareham, Vice President of Government Affairs for the Kansas Grain and Feed Association, appeared in support of **SB 82** which was introduced at the request of KGFA. He reported that currently there are 45 grain elevators which provide test weights equal to or greater than 250 pounds in nominal weight. He explained that these test weights are enclosed and protected from the environment and that to remove and test large weights annually is expensive and cumbersome. He said that actual scale inspections which utilize these test weights will continue to be conducted annually as required by statute. He pointed out that Federal law only requires three-year certification for these types of test weights. (Attachment 1)

Constantine Cotsoradis, Director, Division of Weights and Measures, Kansas Department of Agriculture, testified in support of **SB 82**. He said the Department supports this bill because no testing standards or methods would be changed and as these test weights are protected from the environment should hold their tolerance for a period of three years. He said the Department did not anticipate any decrease in the quality or effectiveness of these test weights by allowing testing every three years, instead of annually. (Attachment 2)

Marty Vanier, Executive Director, Kansas Agricultural Alliance, submitted written testimony in support of **SB 82** which would make the state statute consistent with Federal law concerning approval of test weights. The Alliance sees this change as one that benefits the general public by stretching limited public resources without jeopardizing public or producer confidence. (Attachment 3)

Joe Lieber, Executive Vice President of the Kansas Cooperative Council, provided written testimony in support of **SB 82** which would require certification of testing weights every three years. (Attachment 4)

This concluded the hearing on **SB 82**.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on March 13, 1997.

Continuation of hearing and action on SB 120 - Regulation of feedlot sewage discharges; swine weighing 55 pounds or less

Rich Porter, Public Member of the Kansas State Board of Technical Professions, testified in opposition to Subsection (k) of **SB 120** which addresses whether or not a professional engineer is needed to prepare plans for feedlot waste control. He said that although hiring a professional engineer may be more expensive, the engineer is personally and professionally responsible for everything he stamps. He told the committee that currently the Board of Technical Professions approves professional engineers and the Kansas Department of Health and Environment approves plans submitted by these engineers. He said that should this bill become law, KDHE will approve both the person and the plan; does KDHE want this additional responsibility? (Attachment 5)

Mr. Porter and Karl Mueldener, Director, Bureau of Water, Division of Environment, Department of Health and Environment, answered committee questions.

Representative Schwartz moved to adopt the "reverse setback" amendment to SB 120 presented by Mike Jensen, Kansas Pork Producers Council, at the hearing on March 11. Seconded by Representative Dahl, the motion carried.

Representative Ballou moved to strike the words "approved by the department" on page 4, lines 42 and 43, and on page 5, line 2, of SB 120. The motion was seconded by Representative Compton.

Representative Faber offered a substitute motion to strike the words "approved by the department" on page 4, lines 42 and 43, and on page 5, line 2, of SB 120 as proposed in Representative Ballou's motion; and to also strike the word "qualified" on page 4, line 42, and on page 5, line 2, and to insert the word "a." The motion was seconded by Representative Freeborn.

Due to time constraints, further discussion and action on **SB 120** will be continued at a later date.

The meeting adjourned at 10:00 a.m. The next meeting is scheduled for March 14, 1997.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: 3/13/97

NAME	REPRESENTING
Tom Jummel	KGFA
Don Wareham	KGFA
Karl Muedener	KDHE
Constantine Cotsoradis	KDA
Derenda Mitchell	Dept. of Agriculture
Kayla Amerin	KFB (Meade Co.)
Megan Neal	KFB (meade Co.)
Jessica Small	KFB (meade county)
George Barber	Barber & Assoc's
Bill Henry	K's Society of Prof. Engineers
Reck Horse	Mike Hawkins Co.
Rick Porter	Board of Tech Prof
CHARLES A. STRYKER	BOARD of TECH. PROF.
Jim Langford	Dir of Budget
Lori White	OK Elementary
LewTene Schmeidler	KLA
Rob Jann	KFFC

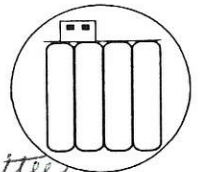
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**STATEMENT OF THE
KANSAS GRAIN & FEED ASSOCIATION
TO THE
HOUSE AGRICULTURE COMMITTEE
REPRESENTATIVE JOANN FLOWER,
CHAIR
REGARDING S.B. 82
MARCH 13, 1997**

KGFA, promoting a viable business climate through
sound public policy for a century.



*House Agriculture Committee
March 13, 1997
Attachment 1*

The Kansas Grain and Feed Association
..... a voluntary state organization founded in 1896 providing
governmental representation, educational opportunities and a wide
variety of professional services to the vast and indispensable grain
and feed industry. The 1150 member firms of the KGFA include
country elevators, terminal elevators, flour mills, feed manufacturers,
grain merchandisers and allied industries.

Madam Chair and members of the Committee, I am Doug Wareham, Vice President of Government Affairs for the Kansas Grain and Feed Association (KGFA). We appreciate the opportunity to appear today in support of S.B. 82.

KGFA is a voluntary state organization founded in 1896 to provide government representation, educational opportunities and a wide variety of other services to the vast and indispensable grain and feed marketing system. The 1150 member firms of KGFA include both independent and cooperative country elevators, terminal elevators, feed manufacturers, flour mills, grain merchandisers and allied industries.

S.B. 82 extends the certification period for test weights of 250 pounds or greater, which are housed in grain elevators, from one calendar year to three calendar years preceding their use in performing a scale test. Currently, in Kansas there are 45 grain elevators which provide test weights equal to or greater than 250 pounds in nominal weight.

These test weights, which are enclosed and protected from the environment, are provided as a convenience by grain elevator firms. When test weights are not provided, scale inspectors or elevator personnel are forced to physically take large numbers of 50 to 100 pound test weights up elevator manlifts for the purpose of inspection. Additionally, requiring those elevators who provide test weights to remove those weights annually is expensive and cumbersome. In most cases the only way to remove large test weights of 250 pounds or greater is by contracting the services of a crane company.

Oversight of the actual scale inspections which utilize these test weights is provided by the Kansas Department of Agriculture's Weights and Measures Division. The scales tested with these provided weights are and will continue to be inspected annually as required by K.S.A. 83-304.

In closing I would like to point out that S.B. 82 will bring Kansas Law into line with current United States Department of Agriculture's, Grain Inspection, Packers, Stockyards Administration's standard of three (3) year certification periods for these types of test weights. We applaud the intent of S.B. 82, which relieves the unnecessary burden of annual certification and ask that you consider this bill favorably. Thank you for this opportunity to appear in support of S.B. 82. I would be happy to answer any questions you may have.

STATE OF KANSAS

BILL GRAVES, GOVERNOR
Alice A. Devine, Secretary of Agriculture
901 S. Kansas Avenue
Topeka, Kansas 66612-1280
(913) 296-3558
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KANSAS DEPARTMENT OF AGRICULTURE

DIVISION OF WEIGHTS & MEASURES

Constantine Cotsoradis
Director

SENATE BILL NO. 82

Presented to the
House Agriculture Committee

March 13, 1997

*House Agriculture Committee
March 13, 1997
Attachment 2*

HOUSE AGRICULTURE COMMITTEE

March 13, 1997

Senate Bill No. 82

Good morning, my name is Constantine Cotsoradis and I am the director of the Weights and Measures program within the Kansas Department of Agriculture. I appear before you in support of SB 82.

As you have been informed by the Kansas Grain and Feed Association, the main purpose of this bill is to shift from an annual testing requirement of test weights used in head houses to an every three year test of these weights. KDA supports this bill because: 1) the bill would not change any testing standards or method and 2) these test weights are protected from the environment and from wear and tear that other devices are subject to, thus it is highly likely they will hold their tolerance for a period of three years. Because of these reasons, KDA does not anticipate any decrease in the quality or effectiveness of these test weights by allowing these test weights to be tested every three years.

KDA is committed to providing an effective and reasonable weights and measures program to the citizens of Kansas. I believe that this amendment to the current law is reasonable without jeopardizing our effectiveness, and therefore, I ask for your favorable consideration of SB 82.

Thank you for your time and attention. I would be happy to answer any questions you may have about this bill.



KANSAS AGRICULTURAL ALLIANCE

**STATEMENT OF THE
KANSAS AGRICULTURAL ALLIANCE
BEFORE THE
HOUSE AGRICULTURE COMMITTEE
JOANN FLOWER, CHAIRMAN
REGARDING S.B. 82
MARCH 13, 1997**

The Kansas Agricultural Alliance (KAA) is a coalition of agribusiness organizations that spans the full spectrum of Kansas agriculture, including crop production, livestock production, horticultural production, suppliers, allied industries and professions.

The Alliance supports S.B. 82. This bill amends the state statute that sets forth the approval of test weights in grain elevators to make the state statute consistent with Federal law concerning approval of test weights.

The members of the Alliance see this change as one that benefits the general public by stretching limited public resources without jeopardizing public or producer confidence. We urge your support for S.B. 82.

*House Agriculture Committee
March 13, 1997
Attachment 3*

Testimony on SB 82
House Agricultural Committee
March 13, 1997
Prepared by Joe Lieber
Kansas Cooperative Council

Madam Chair and members of the committee, I'm Joe Lieber, Executive Vice President of the Kansas Cooperative Council. The Council has a membership of over 200 cooperative businesses, with nearly 130 of them being grain operators.

Because of the burden involved in testing these weights, the Council supports SB 82 which requests them to be certified every three years.

We encourage you to support SB 82.

Thank you.

*House Agriculture Committee
March 13, 1997
Attachment 4*



KANSAS STATE BOARD OF TECHNICAL PROFESSIONS

(913) 296-3053

<http://www.ink.org/public/ksbtp/>

Suite 507, Landon State Office Building 900 S.W. Jackson Street Topeka, Kansas 66612-1257

STATEMENT TO THE
AGRICULTURE COMMITTEE
by the
KANSAS STATE BOARD OF TECHNICAL PROFESSIONS

RE: Senate Bill 120 - Regulation of feedlot sewage discharges; swine weighing 55 pounds or less

The Board of Technical Professions appreciates the opportunity to testify again before the Committee. I am Rich Porter, Public Member of the Board, and with me is Charlie Stryker, Chairperson of the Board.

The only part of the bill we are addressing is Sec. "K", which addresses whether or not a professional engineer is needed to prepare plans for feedlot waste control.

There are probably some lay people in Kansas who know as much about the law as some licensed attorneys. There are probably some lay people in Kansas who know as much about medicine as some licensed doctors. Why don't we let these lay people practice law or medicine so long as they can find clients or patients that will hire them, and a judge or hospital would have a licensed professional approve their work. The reason is society needs some way to verify that they are competent to practice law or medicine. For a medical doctor, this verification confirms that they have graduated from an approved medical

*House Agriculture Committee
March 13, 1997
Attachment 5*

school, meet experience requirements (residency), and passed the required examinations.

Similarly for professional engineers, this verification confirms they have graduated from an approved engineering school, have experience under a licensed engineer, passed two examinations, maintain continuing education and not had their license suspended or revoked.

If our society says a license is needed to write a will or treat a cold, then why is a license not needed to design waste control for a feedlot that produces more waste than a city of a 1/4 million people? (See attachment from the Missouri Department of Natural Resources which says that a 1,000 pound of beef or swine produce as much waste as 14 people. 20,000 large cattle or 150,000 swine would equal 280,000 people.)

The licensing procedure for lawyers, doctors and engineers is not perfect. Licensing boards for all three professions take disciplinary action against some of their licensees. This review is part of the strength of having professional licenses.

Only a very few consulting firms would be affected by this bill. These consulting firms could hire one professional engineer to review and stamp their plans, or they could have their work reviewed and stamped by an outside professional engineer. Yes, the cost would be higher for

a professional engineer because the engineer not only needs to meet licensing requirements, but also is personally and professionally responsible for everything stamped. If you bought a car without a warranty, you could probably get it cheaper than a car with a warranty.

Currently, the Board of Technical Professions approves professional engineers and the Kansas Department of Health and Environment (KDHE) approves plans submitted by these engineers. After this bill, KDHE will approve both the person and the plan. We should ask KDHE if they want this additional responsibility. If a plan has a major problem, the public will ask KDHE both why they approved the plan and the person.

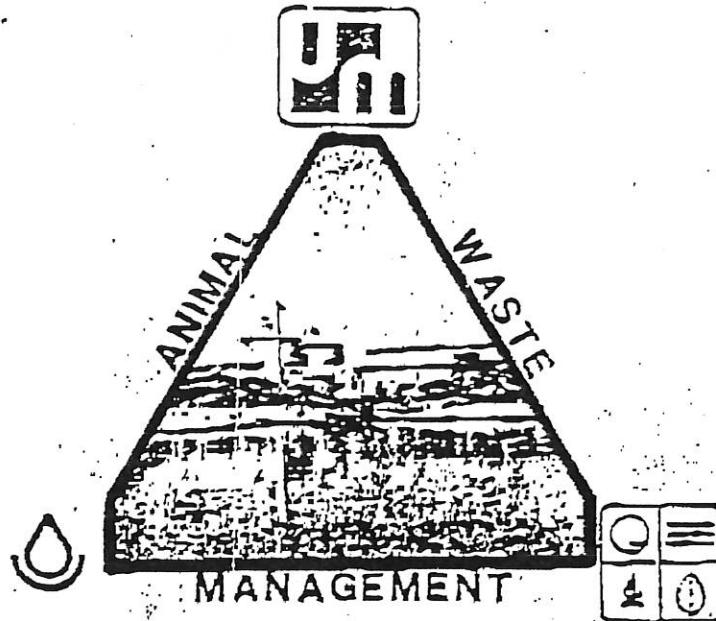
The Board of Technical Professions is not particularly concerned with small operations that do not pose a significant threat to the health, safety and welfare of the people of Kansas. The size cutoff should be proposed by KDHE with input from Kansas Livestock Association and Kansas Pork Producers Association.

The Board of Technical Professions currently licenses about 12,000 professionals. This bill would probably affect less than one-half of one percent of this number of people. The board office already has more than enough to do so we are not here trying to create more paperwork for ourselves or anyone else. We would, however, be remiss

not to warn of problems this bill might create. In addition, some existing professional engineers might decide that if it is not necessary to be a professional engineer to do their job, they will let their license expire.

We are concerned that this matter has only been debated for a short two weeks on a matter that is of obvious public importance. Perhaps a review of the issue should be made by interested parties to reach a better consensus for action.

MANUAL - 121



COOPERATING AGENCIES

MISSOURI DEPARTMENT OF NATURAL RESOURCES
UNIVERSITY OF MISSOURI COOPERATIVE EXTENSION
USDA SOIL CONSERVATION SERVICE

SECOND EDITION

JULY, 1989

M-121
7/89

5-5

TABLE 13. PERCENT LOADING TO SETTLING BASIN

Animal Type	% Total Manure	(1)	(2)	(3)	(4) Fraction of year used
DAIRY					
Milk Parlor	10	1.0	1.0	1.0	1.0
Holding Pen	25	0	.25		1.0
Feeding	40	0	.25		*
Loafing	25	0	.25		*
OTHER LIVESTOCK					
Lot Area	100	0	.25	.50	*

Total of above columns = _____ % loading to the settling basin.

- (1) Roofed, manure hauled, area not washed.
- (2) Not roofed, manure scraped and hauled daily; or roofed, manure hauled, area washed to settling basin.
- (3) Not roofed, manure scraped and hauled weekly-biannually.
- (4) * Enter the fraction of the year in the lot, excluding time on pasture.

TABLE 14. HUMAN POPULATION EQUIVALENTS BY ANIMAL TYPE

Type	Reference Number	Population Equivalent per 1000 lbs. weight
Human	(1)	8
Beef	(2)	14
Horse	(2)	14
Swine	(2)	15
Sheep	(2)	20
Dairy Cow	(2)	20
Poultry	(2)	
Layer		30
Broiler		50
Turkey	(3)	40
Dog	(3)	16

- (1) Soil Conservation Field Manual, 1975, USDA
- (2) MWPS-18 and M-115
- (3) Pollution Control For Agriculture, R. C. Loehr, pg 376, Table A-19

NOTE: Human population equivalents (PE) are based on a comparison to the following human waste characteristics:

1 PE = 0.17 lbs BOD/day
 0.43 lbs Total solids/day
 0.03 lbs Nitrogen/day