

Approved: 1-19-00
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Steve Morris at 10:00 a.m. on January 13, 2000, 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
 Nancy Kippes, Committee Secretary

Conferees appearing before the committee:

 Greg Krissek, Assistant Secretary, Department of Agriculture

Others attending: (See Attached)

Senator Umbarger made a motion to approve the minutes of the January 12, 2000 meeting as submitted. Senator Biggs seconded. Motion carried.

Greg Krissek, Assistant Secretary, Department of Agriculture, requested introduction of a bill that would make technical amendments to the Kansas Egg Law (Attachment 1). The most significant change would be to decrease from 60 to 45 degrees the temperature at which eggs intended for human consumption may be held in storage. These changes are prompted by a change at the Federal level.

Senator Umbarger made a motion to introduce the bill. Senator Biggs seconded. The motion carried.

Greg Krissek, Assistant Secretary, Department of Agriculture, requested introduction of a bill to revamp and modernize the Kansas Noxious Weed Law. The modifications would include a biologically based noxious weed classification scheme, subsidized control and enforcement (Attachment 2).

Senator Corbin made a motion to introduce the bill. Senator Umbarger seconded. The motion carried.

The next meeting will be January 19, 2000.

Amendments to the Kansas Egg Law

Issue:

Several technical amendments are proposed to the Kansas Egg Law, which was last amended in 1979. The most substantive of these changes is to decrease from 60 to 45 degrees the temperature at which eggs intended for human consumption may be held in storage. Also, the act would make it a violation to fail to properly mark containers and to offer eggs that have not been candled or graded. New language will be added to establish a sampling size.

Clean-up language will be proposed to replace "board of agriculture" with "secretary of agriculture" and to increase the late fee from \$1 to \$5 a day. The secretary will have discretion when assessing the late fee.

Eggs and Food Safety on the National Level

A colder holding temperature for eggs intended for human consumption is meant to increase food safety. Also, egg safety standards are an issue on the federal level, and changes in Kansas law will position our state to comply with these new standards. On December 10, 1999, the President's Council on Food Safety released its "Action Plan to Eliminate Salmonella Enteritidis Illnesses Due to Eggs" by improving handling from production to consumption.

The council proposed a mandatory set of national standards for eggs, as well as interagency, intergovernmental partnerships, to ensure egg safety. The council notes that Americans consume an average of 234 eggs per person per year, and they estimate that one of every 20,000 eggs contains the Salmonella Enteritidis (SE) bacteria which can cause illness if eaten raw in foods or in eggs that are not thoroughly cooked. Because eggs can become contaminated inside the hen, common egg-handling practices are now considered unsafe. These practices, according to the egg safety action plan, include temperature abuse, inadequate cooking and pooling eggs to prepare a large volume of food that is later temperature abused or inadequately cooked.

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Attachment 1

Proposed Revisions of the Kansas Noxious Weed Law

Issue:

The noxious weed law was originally enacted in 1937, with some modification but no major study and review of the statute occurring since the 1950s. Many aspects of weed management and control have changed radically since that time. Agricultural production practices and governmental operations also have evolved considerably in the past 50 years. A group of Kansans have been meeting since January 1999 to review the entire law to develop modifications designed to modernize noxious weed control in Kansas. Their recommendations include a new, biologically based noxious weed classification system and expansion of the cost-share provision to include other control options in addition to herbicides. The new approach would maintain the current shared responsibility between landowners, counties and the state. Legislative action will be necessary to enact their recommendations.

General Approach to Weed Control Under the Modifications

The review group was committed to developing recommendations that would provide as much flexibility as possible to counties, yet maintain a broad set of standards under which county programs can operate. Individual landowners will continue to be responsible for controlling noxious weeds on their property. County governments continue to be responsible for day-to-day operations of the law. The Kansas Department of Agriculture will provide operational and control standards. Kansas State University will play a role in the educational aspects of noxious weed control.

Significant Modifications to Law

Perhaps the most significant modification is the adoption of a biologically based noxious weed classification scheme. Noxious weeds will be placed into three categories based on the acreage of each weed present in each county. The categories are:

1. *High Risk.* This category is for weeds with potential to cause economic or environmental harm, found in close proximity to Kansas, but not yet present. This categorization would allow counties to begin containment/eradication activities immediately upon discovery of the weed. After discovery, it would move to the containment or management category, depending on its prevalence in the county. For instance, several knapweed species which exist in Nebraska are moving southward; tropical soda apple, which exists in southern states, is moving north.
2. *Containment.* This category is for those weeds with the potential to be effectively contained (not allowed to spread) and possibly eradicated. These generally are noxious weeds with a fairly limited distribution (100 acres or less) in a county.
3. *Management.* This category is for widespread noxious weeds (greater than 100 acres in a county). They would be subject only to control and management practices. Eradication is not a biological

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possibility for noxious weeds in this category. It is subdivided into two categories:

3a. *Primary Management*. This describes weeds infesting more than 100 acres in a county, but less than 10,000 acres statewide. It provides a regional "slow-the-spread" approach to protect counties with lower infestation levels.

3b. *Secondary Management*. This subcategory encompasses noxious weeds with more than 100 acres in a county and more than 10,000 acres statewide.

Under this scheme, each county will have its own unique list of noxious weeds based on their biological occurrence and distribution in the county. Since counties are the basic unit of program operations, this approach will provide them with the maximum amount of flexibility in operations.

Two major program operations - enforcement and subsidized control - are linked to the three-tier classification scheme.

Subsidized control is mandatory for all containment and primary management noxious weeds in each county. Subsidized control for secondary management noxious weeds is optional at the discretion of the county. Counties will have the authority to provide subsidized control at any level on any of the control practices contained in each official control plan developed by KDA.

Enforcement options include both criminal and civil penalties. The county is given the authority to assess civil penalties following an appeal process and civil penalty matrix set out by the Department in regulation to ensure the control of all noxious weeds. Criminal penalties continue to be processed by the county attorney and apply only to the containment and primary management category weeds.

Changes in Cost-Share and Reimbursement

Currently, cost-share is available only for herbicide products identified in the official control plans developed by KDA. Under the new organization, subsidized control options will be expanded to include all control practices identified in the official control plans.

Subsidized control will be modified from providing a subsidy on approved *products* to a subsidy provided on approved *control practices*; and reimbursed on a per-acre basis.

Counties will have the authority to identify which of the approved control practices will be eligible for reimbursement and to determine appropriate subsidy amounts. County weed directors will be expected to work closely with land owners whose properties are infested with containment and primary management a noxious weeds. These will have priority over secondary management noxious weeds.

Counties will continue to have the authority to establish a levy for program operations in the county.

The new classification scheme will require counties to accurately monitor the acreage of noxious weeds within their borders. This base information will be essential to determine an appropriate

minimum levy. The acreage of containment and primary management noxious weeds will require a levy to generate sufficient funds to ensure appropriate containment of these weeds. If a county chooses to subsidize secondary management noxious weed control, the levy will need to be adjusted accordingly.

The proposal calls for treatment reimbursement on a per-acre basis. This is the most eminently fair way to provide reimbursement so all approved control practices are eligible. Under the current law, for example, a landowner who wants achieve control using an approved cultural practice, such as cultivation or mowing, is not eligible for any subsidy for this practice. Under the proposed per-acre reimbursement scheme, he or she may be able to receive a subsidy for fuel used to achieve the treatment, providing the county determines this is a control practice eligible for reimbursement.