

MINUTES OF THE SENATE AGRICULTURE COMMITTEE.

The meeting was called to order by Chairperson Derek Schmidt at 8:30 a.m. on March 27, 2002 in Room 423-S of the Capitol.

All members were present except:

Committee staff present:     Raney Gilliland, Legislative Research Department  
  Gordon Self, Revisor of Statutes  
  Betty Bomar, Secretary

Conferees appearing before the committee:  
  Randy Allen, Executive Director, Kansas Association of Counties

Others attending:     See attached list:

**HB 2602 - - County discount program to control noxious weeds**

Senator Umbarger distributed a "balloon" which amended **HB 2602** by restoring current permissive language relating to establishment of a program to provide chemical materials used in the control and eradication of noxious weeds to landowners through chemical dealers on a discount basis. The proposed amendment further provides a petition provision and provides for a period of time in which to establish such a program if it is the will of the people. Randy Allen, Executive Director, Kansas Association of Counties, stated the time requirement of "within eighteen months" is to allow adequate time within the county budgeting process to establish a certificate discount program.

**Senator Umbarger moved, seconded by Senator Downey that HB 2602 be amended as outlined in the "balloon" (Attachment 1). The voice vote was in favor of the motion**

**Senator Umbarger moved, seconded by Senator Downey that HB 2602 be recommended favorably for passage as amended. The voice vote was in favor of the motion.**

**SB 438 - - Powers, duties and responsibilities of secretary of agriculture related to fees and penalties.**

Senator Taddiken offered an amendment containing the same amendments offered by Senator Umbarger on March 26, but adds a "sunset" provisions. The Committee discussed the lack of funding for the Agriculture Department through the general fund and stated its concerns of relying on fees paid by the agriculture segment of our citizens, particularly during the present agriculture economy.

**Senator Taddiken moved, seconded by Senator Umbarger, that SB 438 be amended as reflected in the "balloon" (Attachment 2) and further by inserting the following: "New Section 1. The provisions of this act which serve to establish fees, or which amend or increase fees in existence at the time of the enactment of this act, shall be rescinded and sunset July 1, 2005. Upon sunset the fees in existence at the time of enactment shall revert to the prior level and those established by this act shall cease." The motion passed with a vote of "yes - 4; no - 4", the Chair voting in the affirmative.**

**Senator Umbarger moved, seconded by Senator Taddiken, the SB 438 be recommended favorably for passage as amended. The vote by a show of hands was "yes - 4; no - 4", the Chair voting in the affirmative. The motion passed. Senators Huelskamp, Tyson and Downey asked to be recorded as voting "no".**

**SCR 1615 - - Urging Congress to enact country of origin labeling**

Mr. Harold Walker submitted written testimony in support of **SCR 1615**, and submitted additional language to be included in the resolution. (Attachment 3)

**Senator Huelskamp moved, seconded by Senator Tyson, that SCR 1615 be amended on Line**

CONTINUATION SHEET

17 by striking the word "may" and inserting in lieu thereof the word "shall"; on Line 38 by striking the word "county" and inserting the word "country"; and on line 40 by striking the word "President" and inserting the words "Majority Leader". The voice vote was in support of the motion.

Senator Huelskamp moved, seconded by Senator Tyson, that SCR 1615 as amended be recommended favorably for adoption. The voice vote was in favor of the motion.

Upon motion of Senator Downey, seconded by Senator Tyson, the Minutes of March 12 and March 13, were unanimously approved.

The meeting adjourned at 9:15 a.m.

No further meetings are scheduled.

# SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: March 27, 2002

NAME	REPRESENTING
JOHN KABUS	CUNDAK
Rodney Biesenthal	Pottawatomie Co NWCD
Keith Bradshaw	Dir of the Budget
Don Ryan	KCA
Joe Lieber	A S Co-op Council
Todd Johnson	KLA
Tam Tamm	KGFA/KARA
Doug Wareham	KARA
Justin Holstin	Propane Marketers Ass'n
Steve Pugji	KDHE
Karel	Don's Office
Don Teske	Kansas Farmers Union
Mike Beam	Ks. LIVSTK. ASSN.
Judy Mohr	KAC
Randall Allen	Kansas Assn. of Counties
Bob McDonald	KWO
Leslie Kaufman	KFB
Janet McPherson	KFB

HOUSE BILL No. 2602

By Committee on Agriculture

5-2

AN ACT concerning agriculture; relating to noxious weeds; county discount program; amending K.S.A. 2-1333 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2-1333 is hereby amended to read as follows: 2-1333. (a) The board of county commissioners ~~may adopt a resolution to~~ shall authorize the establishment of a program to provide chemical materials used in the control and eradication of noxious weeds to landowners through chemical dealers on a discount basis.

may adopt a resolution to

(b) ~~If such program is authorized,~~ Except as provided in subsection (f), the county weed supervisor shall issue discount certificates, prior to the chemicals being purchased from the chemical dealers, to the landowners. Such certificate shall be taken to a chemical dealer and be presented for the purchase of the chemical material. The chemical dealer shall issue an invoice showing the credit amount of the discount certificate. The dealer shall send the certificate and a copy of the invoice to the county weed supervisor. The certificates and invoices shall be turned over to the board of county commissioners, and no more than the stated amount on the certificate shall be reimbursed to the chemical dealers. The discount certificates shall be paid from the noxious weed fund.

If such program is authorized,

(c) ~~If such program is authorized,~~ Except as provided in subsection (f), on January 1 of each year, the board of county commissioners shall determine the amount of money that may be used from the noxious weed fund to provide for the control and eradication of noxious weeds on privately owned land. The board shall state the dollar amount the county shall pay per unit for the purchase of chemical materials used on privately owned lands. Whenever official methods of eradication, adopted by the state board of agriculture, are not followed in applying the chemical materials, the board of county commissioners may refuse to pay the discount certificate and the total cost shall be paid by the private landowner.

If such program is authorized,

~~(d) A board of county commissioners may adopt a resolution to eliminate the program to provide chemical materials used in the control and eradication of noxious weeds to landowners through chemical dealers on a discount basis as provided in this section.~~

Senate Agriculture Committee  
Date March 27, 2002

Attachment #  
1-1 thru 1-2

(d)

does not issue discount certificates

(b)

establish

established

establishing

established

established

within eighteen months.

1 ~~(e)~~ (1) If a board of county commissioners adopts a resolution to elim-  
 2 inate the program as provided in subsection (d); a petition to submit a  
 3 proposition calling for an election to ~~reinstate~~ the program to provide  
 4 chemical materials used in the control and eradication of noxious weeds  
 5 to landowners through chemical dealers on a discount basis may be filed  
 6 with the county election officer. Such petition shall be signed by qualified  
 7 voters of the county equal in number to not less than 5% of the voters of  
 8 the county who voted for the office of secretary of state at the last pre-  
 9 ceding general election at which such officer was elected.

10 (2) Upon the submission of a valid petition calling for an election  
 11 pursuant to this subsection, the county election officer shall submit the  
 12 question of whether the program as provided in this section shall be re-  
 13 ~~instated~~ in such county at the next state or county-wide regular or special  
 14 election which occurs more than 60 days after the petition is filed with  
 15 the county election officer.

16 (3) If a majority of the votes cast and counted are in opposition to  
 17 ~~reinstating~~ the program as provided in this section in such county, the  
 18 county election officer shall transmit a copy of the result to the secretary  
 19 of state who shall publish in the Kansas register the result of such election  
 20 and the program as provided in this section shall not be ~~reinstated~~ in such  
 21 county.

22 (4) If a majority of the votes cast and counted are in favor of the  
 23 proposition, the county election officer shall transmit a copy of the results  
 24 to the secretary of state who shall publish in the Kansas register the result  
 25 of such election and that the program as provided in this section shall be  
 26 ~~reinstated~~ in such county.

27 (5) The election provided for by this section shall be conducted, and  
 28 the votes counted and canvassed, in the manner provided by law for  
 29 question submitted elections of the county, except that the county election  
 30 officer shall publish in the official county newspaper a notice of such  
 31 election once each week for two consecutive weeks, the first publication  
 32 to be not less than 21 days before the election, and such notice shall state  
 33 the date and time of the election and the proposition that will appear on  
 34 the ballot.

35 Sec. 2. K.S.A. 2-1333 is hereby repealed.  
 36 Sec. 3. This act shall take effect and be in force from and after its  
 37 publication in the statute book.

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SENATE BILL No. 438

By Committee on Agriculture

1-24

9 AN ACT concerning agriculture; relating to powers, duties and respon-  
10 sibilities of secretary of agriculture; fees and penalties; amending  
11 K.S.A. 2-1205, 2-2204, 2-2440, 2-2440b, 2-2441a, 2-2443a, 2-2445a, 2-  
12 2805, 2-2806, 2-2905, 2-2906, 2-3304, 2-3306, 2-3318, 65-6a34, 82a-  
13 727, 82a-732, 83-201 and 83-205 and K.S.A. 2001 Supp. 65-6a18, 65-  
14 771, 65-775, 65-778, 65-781, 65-782, 65-789, 82a-708a, 82a-708b,  
15 82a-714, 83-302 and 83-402 and repealing the existing sections.  
16

17 *Be it enacted by the Legislature of the State of Kansas:*

18 ~~Section 1.~~ K.S.A. 2-1205 is hereby amended to read as follows: 2-  
19 1205. An inspection fee shall be collected upon all commercial fertilizers  
20 sold, offered or exposed for sale, or distributed in Kansas, which shall be  
21 at a rate per ton of 2,000 pounds fixed by rules and regulations adopted  
22 by the secretary of agriculture, except that such rate shall not exceed \$1.67  
23 per ton of 2,000 pounds. The secretary of agriculture may adopt rules  
24 and regulations establishing the inspection fee rate under this section.  
25 Each person registering any commercial fertilizer shall pay the inspection  
26 fee on such commercial fertilizer sold, offered or exposed for sale, or  
27 distributed in Kansas, ~~and~~ *Each such person* shall keep adequate records  
28 showing the tonnage of each commercial fertilizer shipped to or sold,  
29 offered or exposed for sale, or distributed in Kansas, ~~and~~ The secretary,  
30 and duly authorized representatives of the secretary, shall have authority  
31 to examine such records and other pertinent records necessary to verify  
32 the statement of tonnage.

33 Each person registering any commercial fertilizer shall file an affidavit  
34 semiannually, with the secretary, within 30 days after each January 1 and  
35 each July 1, showing the tonnage of commercial fertilizer sold or distrib-  
36 uted in Kansas for the preceding six-month period, ~~and~~ *Each such person*  
37 shall pay to the secretary the inspection fee due ~~thereon~~ for such six-  
38 month period, except that the registrant shall not be required to pay the  
39 inspection fee or report the tonnage of commercial fertilizers or fertilizer  
40 materials sold and shipped directly to fertilizer manufacturers or mixers;  
41 ~~but~~ The fertilizer manufacturers or mixers shall keep adequate records  
42 of the commercial fertilizers sold or distributed in this state, and report  
43 to the secretary the tonnage ~~thereof~~ and pay the inspection fee due

New Section 1. The provisions of th  
serve to establish fees, or which an  
increase fees in existence at the ti.  
enactment of this act, shall be rescinded and  
sunset July 1, 2005. Upon sunset, the fees in  
existence at the time of enactment shall revert  
to the prior level and those established by this  
act shall cease.

Section 2.

Renumber remaining sections as appropriate.

Senate Agriculture Committee  
Date *Nov 27, 2002*  
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12  
22

1 cation submitted for a temporary permit or extension thereof shall be  
2 accompanied by an application fee of ~~\$100~~ \$200.

3 (b) The chief engineer shall adopt rules and regulations to effectuate  
4 and administer the provisions of this section.

5 (c) Nothing in this section shall be deemed to vest in the holder of  
6 any permit granted pursuant to provisions of this section any permanent  
7 right to appropriate water except as is provided by such permit.

8 (d) All fees collected by the chief engineer pursuant to this section  
9 shall be remitted to the state treasurer as provided in K.S.A. 82a-731 and  
10 amendments thereto.

11 Sec. 27. K.S.A. 82a-732 is hereby amended to read as follows: 82a-732.

12 (a) The owner of a water right or permit to appropriate water for  
13 beneficial use, except for domestic use, shall file an annual water use  
14 report on a form prescribed by the chief engineer of the division of water  
15 resources of the ~~state board~~ department of agriculture and submit an  
16 administration fee of ~~\$20~~ per water right or permit to appropriate water

17 on or before March 1 following the end of the previous calendar year.  
18 The report shall completely and accurately set forth such water use information  
19 as requested by the chief engineer.

20 (b) Any person failing to file a complete, accurate and timely water  
21 use report or other documents or to submit the administration fee required  
22 under the provisions of subsection (a) shall be subject to a civil  
23 penalty in an amount not to exceed \$250. The chief engineer upon a  
24 finding that the owner of a water right or permit to appropriate water for  
25 beneficial use has failed to file such a complete, accurate and timely report  
26 or to submit the administration fee may impose a civil penalty as provided  
27 in this section. Any person filing a document knowing it to contain any  
28 false information as to a material matter shall be guilty of a class C mis-  
29 demeanor.

30 (c) All fines collected by the chief engineer pursuant to this subsection  
31 shall be remitted to the state treasurer as provided in K.S.A. 82a-731,  
32 and amendments thereto.

33 Sec. 28. K.S.A. 83-201 is hereby amended to read as follows: 83-201.  
34 As used in article 2 of chapter 83 of the Kansas Statutes Annotated and  
35 K.S.A. 83-502, and amendments thereto:

36 (a) "Weights and measures" means all commercial weights or measures  
37 of every kind, instruments and devices for weighing and measuring,  
38 and any appliance and accessories associated with any or all such instruments  
39 and devices and any point-of-sale system.

40 (b) "Weight" as used in connection with any commodity means net  
41 weight, except if the label declares that the product is sold by drained  
42 weight, the term means net drained weight.

43 (c) "Correct" as used in connection with weights and measures means

as established herein, for each

The fee shall be based upon the authorized quantity for each  
water right file number as follows:

Authorized quantity	Annual Administration Fee
0-100 acre feet	\$10
101-320 acre feet	\$15
321-1,000 acre feet	\$20
1,000-5,000 acre feet	\$30
over 5,000 acre feet	\$200

3-8

1 (p) "Large scale" means a weighing device with a capacity of greater  
2 than 2000 pounds.

3 (q) "Small scale" means a weighing device with a capacity of 2000  
4 pounds or less.

5 Sec. 29. K.S.A. 83-205 is hereby amended to read as follows: 83-205.

6 (a) There is hereby established in the department of agriculture a weights  
7 and measures inspection program to enforce the provisions of chapter 83  
8 of the Kansas Statutes Annotated, and amendments thereto or any rules  
9 and regulations adopted thereunder. The program shall be under the  
10 supervision of the secretary, and the secretary shall employ an adminis-trator  
11 of the program and appoint such personnel as may be necessary  
12 for the proper administration of chapter 83 of the Kansas Statutes An-notated,  
13 and amendments thereto. The administrator shall be in the un-classified  
14 service of the Kansas civil service act.

15 (b) The weights and measures inspection program shall perform the  
16 following functions:

- 17 (1) Assure that weights and measures in commercial service within  
18 the state are suitable for their intended use, properly installed, accurate  
19 and are so maintained by their owner or user;
- 20 (2) prevent unfair or deceptive dealing by weight or measure in any  
21 commodity or service advertised, packaged, sold or purchased within this  
22 state;
- 23 (3) make available to all users of physical standards or weighing and  
24 measuring equipment the precision calibration and related metrological  
25 certification capabilities of the weights and measures facilities of the de-partment  
26 of agriculture;
- 27 (4) promote uniformity, to the extent such conformance is practicable  
28 and desirable, between weights and measures requirements of this state  
29 and those of other states and federal agencies;
- 30 (5) encourage desirable economic growth while protecting the con-sumer  
31 through the adoption by rule and regulation of weights and meas-ures  
32 requirements as necessary to assure equity among buyers and sellers;
- 33 ~~and~~

34 (6) assess an authorization fee to provide for the administration of  
35 this act. Such fee shall be assessed on every place of business or person  
36 who operates a weighing or measuring device, a scanning device, a point  
37 of sale system, or metering device for commercial purposes or measuring  
38 commodities, which are subject to the jurisdiction of the secretary. The  
39 fee shall be due March 1 and shall be assessed as follows:

- 40 (A) small scales per facility - 1 ..... \$15/facility;
- 41 (B) small scales per facility - 2-3 ..... \$25/facility;
- 42 (C) small scales per facility - 4 or more ..... \$40/facility;
- 43 (D) large scales per facility - 1 ..... \$60/facility;

For the purposes of this fee, "metering device" shall not include  
dispensing devices as defined by K.S.A. 83-401(a)

\$25/facility



7-4

SB 438

37

(E) large scales per facility - 2-3.....	\$115/facility;	→	\$50/facility
(F) large scales per facility - 4 or more .....	\$170/facility;	→	\$75/facility
(G) scanning devices or point of sale system - 1-3.....	\$30/facility;		
(H) scanning devices or point of sale systems - 4 or more .....	\$60/facility; or		
(I) metering device .....	\$25/facility;	→	
(J) Facility Fee Cap (any combination) .....			\$120/facility

(7) The secretary shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the weights and measures fee fund; and

(8) such other functions as may be specified by law or deemed necessary by the secretary to carry out the duties and functions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder.

Sec. 30. K.S.A. 2001 Supp. 83-302 is hereby amended to read as follows: 83-302. (a) Each person, other than an authorized representative of the secretary or an authorized representative of a city or county department of public inspection of weights and measures established pursuant to K.S.A. 83-210, and amendments thereto, desiring to operate and perform testing and other services as a company in Kansas shall apply to the secretary for a service company license, on a form to be supplied by the secretary, and shall obtain such license from the secretary before operating and performing testing or other services as a service company. Each service company shall obtain a license for each place of business maintained in Kansas and shall pay a license application fee of \$50 \$100 and thereafter an annual license renewal application fee of \$50 \$100 for each place of business. Each service company license shall expire on June 30 following issuance, shall be void unless renewed prior to the expiration and shall not be transferable.

(b) If any service company maintains any out-of-state places of business which the company operates in serving Kansas patrons, the service company seeking to obtain or renew a license under this section shall list in the application such places of business and the firm names under which the company operates at each such place of business. If any out-of-state place of business is established by a service company after being licensed under this section, the licensee shall supply such information to the secretary before any work is performed in Kansas from such out-of-state location. Each nonresident service company shall designate a resident agent upon whom service of notice or process may be made to enforce the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any liabilities arising from operations thereunder. Each nonresident service company which maintains no established place of business in Kansas shall obtain a license under this section for

March 27, 2002

Harold Walker  
785-966-2160  
Jackson County, Kansas

Good morning. Thank you very much for giving me the opportunity to express my views regarding Senate Bill 1615.

I am Harold Walker. I farm in Jackson County near Mayetta. I am also president of Kansas NFO. We are a marketing organization, like a co-op and we have several groups of producers across Kansas who market livestock and who market direct.

County or Origin Labeling is something I feel is a good idea for ranchers and for consumers. First, it will allow consumers the choice of buying more locally produced products. We have all heard the statement "information is power" and we are moving into a "Knowledge Economy". Well, Country of Origin Labeling will help our markets work better because information helps make for a more efficient market because consumers can make better informed decisions.

I believe that more consumers will buy regionally and locally grown products if they have label information. Also, I believe labeling food is as important as labeling a pillow. And labeling of food is a very good idea in this time of increasing food security questions.

So, I am speaking very strongly in support of the general concept of this bill. However, I want this bill to send the intended message, so I would ask that you improve the wording in Senate Bill 1615 by also including a prior paragraph of Section 272 of The Agriculture, Conservation, and Rural Enhancement Act of 2001, as listed here because the prior paragraph includes the word "shall" in the "requirement" line.

## SEC. 272. NOTICE OF COUNTRY OF ORIGIN.

### (a) IN GENERAL-

(1) REQUIREMENT- Except as provided in subsection (b), a retailer of a covered commodity shall inform consumers, at the final point of sale of the covered commodity to consumers, of the country of origin of the covered commodity.

(2) UNITED STATES COUNTRY OF ORIGIN- A retailer of a covered commodity may designate the covered commodity as having a United States country of origin only if the covered commodity--

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Also, since there is some debate about whether this should be voluntary or mandatory, and since a voluntary program is practically pointless, it might be a good idea to insert the word "mandatory" as a change in line 36 of Senate Bill 1615 to read as follows:

...gress to enact (mandatory) country of origin labeling requirements; and

Senate Agriculture Committee  
Date *March 27, 2002*

Attachment #  
*3-1 thru 3-3*

-----here is part of the ACRE Bill Text related to Country of Origin Labeling.

**SEC. 272. NOTICE OF COUNTRY OF ORIGIN.**

**(a) IN GENERAL-**

(1) REQUIREMENT- Except as provided in subsection (b), a retailer of a covered commodity shall inform consumers, at the final point of sale of the covered commodity to consumers, of the country of origin of the covered commodity.

(2) UNITED STATES COUNTRY OF ORIGIN- A retailer of a covered commodity may designate the covered commodity as having a United States country of origin only if the covered commodity--

(A) in the case of beef, lamb, and pork, is exclusively from an animal that is exclusively born, raised, and slaughtered in the United States; and

(B) in the case of farm-raised fish, is hatched, raised, harvested, and processed in the United States; and

(C) in the case of a perishable agricultural commodities or peanut, is exclusively produced in the United States.

(b) EXEMPTION FOR FOOD SERVICE ESTABLISHMENTS- Subsection (a) shall not apply to a covered commodity if the covered commodity is--

(1) prepared or served in a food service establishment; and

(2)(A) offered for sale or sold at the food service establishment in normal retail quantities; or

(B) served to consumers at the food service establishment.

**(c) METHOD OF NOTIFICATION-**

(1) IN GENERAL- The information required by subsection (a) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the covered commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers.

(2) LABELED COMMODITIES- If the covered commodity is already individually labeled for retail sale regarding country of origin, the retailer shall not be required to provide any additional information to comply with this section.

(d) AUDIT VERIFICATION SYSTEM- The Secretary may require that any person that prepares, stores, handles, or distributes a covered commodity for retail sale maintain a verifiable recordkeeping audit trail that will permit the Secretary to ensure compliance with the regulations promulgated under section 274.

PLEASE  
ADD  
ALL  
OF  
THIS  
IN  
SB  
1615

END

Session of 2002

Senate Concurrent Resolution No. 1615

By Special Committee on Agriculture

1-18

A CONCURRENT RESOLUTION urging the United States Congress to enact country of origin labeling requirements.

WHEREAS, The Agriculture, Conservation, and Rural Enhancement Act of 2001, currently pending before Congress, contains provisions providing for country of origin labeling; and

WHEREAS, The Kansas legislature supports provisions of the Act which provide that:

"A retailer of a covered commodity may designate the covered commodity as having a United States country of origin only if the covered commodity—

(A) in the case of beef, lamb, and pork, is exclusively from an animal that is exclusively born, raised, and slaughtered in the United States; and

(B) in the case of farm-raised fish, is hatched, raised, harvested, and processed in the United States; and

(C) in the case of a perishable agricultural commodities or peanut, is exclusively produced in the United States"; and

WHEREAS, If another product is added to the covered commodity, the commodity could not be designated as a United States country of origin; and

WHEREAS, The American public is interested in and has the right to know where food is produced; and

WHEREAS, The United States Congress should amend the current farm bill to include the country of origin labeling provisions: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we urge the United States Congress to enact country of origin labeling requirements; and

Be it further resolved: That we further urge Congress to amend the current farm bill to include country of origin labeling requirements; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Kansas Congressional delegation.

Need to insert the REQUIREMENT SECTION HERE

TAKEN FROM FARM BILL