

MINUTES OF THE HOUSE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on March 22, 2004, in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Legislative Research Department
Gordon Self, Revisor of Statutes Office
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Others attending:

See attached list.

Minutes of the March 15 and 17 meetings were distributed. Members were asked to notify the committee secretary of any corrections or additions prior to 5:00 p.m., March 24, or the minutes will be considered approved as presented.

Continued discussion and action on Sub. SB 296 - Reorganizes department of agriculture

Raney Gilliland reviewed the amendments proposed and passed by the committee on March 17 concerning **Sub. SB 296** to enact provisions of law to follow **ERO 32**. **ERO 32** proposes to transfer certain food safety programs from the Kansas Department of Health and Environment to the Kansas Department of Agriculture. Gordon Self noted that in addition to the purely technical amendments addressed in the amendment passed on March 17, additional amendments to clean up the statutes that will affect both **Sub. SB 296** and **ERO 32** will need to be addressed during the next legislative session.

The germaneness of a motion by Representative Thimesch, seconded by Representative Faber, to establish a mechanism for mediation for conflict resolution between state licensed small meat processing plants and the Kansas Department of Agriculture offered on March 17 awaited a ruling. Chairman Johnson stated that although **Sub. SB 296** was designed to implement **ERO 32**, he wanted this issue debated in committee, rather than on the floor of the House. He ruled the amendment germane.

Representative Thimesch explained his proposed amendment to **Sub. SB 296** to establish a mechanism for mediation for conflict resolution between state licensed small meat processing plants and the Kansas Department of Agriculture. (Attachment 1) He noted that mediation had been recommended by the 2003 interim Special Committee on Agriculture. The motion passed.

Representative Gatewood, being on the prevailing side, asked to reconsider the action taken on March 17 on the proposed amendment by Representative Powell to amend **Sub. SB 296** on page 4, line 13, to change the word "classified" to "unclassified." Seconded by Representative Schwartz, the motion carried.

Representative Freeborn moved to amend **Sub. SB 296** on page 4, line 13, to change the word "classified" to "unclassified." The motion was seconded by Representative Powell. The motion failed.

Representative Feuerborn offered an amendment to modify Representative Thimesch's amendment to **Sub. SB 296**, New Section 1, (e), to narrow up the language concerning costs to be paid by the nonprevailing party to cover only the costs of the hearing officer. Costs attributed to the Kansas Department of Administration and Kansas Department of Agriculture are considered normal operating costs of the departments. Seconded by Representative Thimesch, the motion carried.

Representative Thimesch moved to recommend **Sub. SB 296**, as amended, favorable for passage. Seconded by Representative Feuerborn, the motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE AGRICULTURE COMMITTEE at 3:30 p.m. on March 22, 2004, in Room 423-S of the Capitol.

Continued discussion and action on SB 326 - Licensure requirements for pesticide businesses

The Chairman reopened discussion on **SB 326** that would increase the amounts of financial responsibility required in statute for persons wishing to be granted a pesticide business license and asked Raney Gilliland to review actions taken by the committee on March 17. **SB 326** had been amended to allow the revisor to make the necessary technical corrections on page 1, lines 17 and 18.

Representative Freeborn moved to table **SB 326**. Seconded by Representative Powell, the motion carried.

Discussion and action on Sub. SB 335 - Regulation of liquefied petroleum gas

Raney Gilliland reviewed **Sub. SB 335** that would enact the Kansas Propane Safety and Licensing Act and give the State Fire Marshall authority to establish programs relating to the regulation and licensing of the liquefied petroleum gas industry in the state. He noted there were several technical amendments that should be addressed in this legislation. Chairman Johnson opened the floor for discussion.

Representative Larkin, seconded by Representative Faber, moved to adopt any technical amendments identified by staff as necessary in **Sub. SB 335**. The motion carried.

Representative Feuerborn moved to recommend **Sub. SB 335**, as amended, favorable for passage. The motion was seconded by Representative Gatewood. The motion carried.

The meeting adjourned at 4:30 p.m. No further meetings of the House Agriculture Committee are scheduled for the 2004 legislative session.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: March 22, 2004

NAME	REPRESENTING
Jed Hobbs	Rep Johnson
Kon Seeber	Acin Law Firm
Rudy Shaw	PMCA of Kansas
Greg Noll	PMAK
Sustin Holstin	PMAK
Dwight Baer	PMAK
Tom Palace	PMCA OF KANSAS
Karl Muehdener	KDHE
Twila Drybread	DOB
John Hirsch	KDHE
Bryant Drey	KDA
Adrian Polansky	KDA
Hal Hudson	KS Pest Control Assoc.
Bruce GRAHAM	KEPCo
Danielle Kay	Johnson County
Doug Wareham	KGFA / KARIA
Todd Johnson	KLA
TERRY HADREN	KFB
Allen Jensen	aka - Rep Thierck

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: March 22, 2004

NAME	REPRESENTING
Doug Finmer	KDHE
Lesq Roberts	KDHE
Garrett Schmidt	Rep. Powell

PROPOSED AMENDMENT TO
House Substitute for SENATE BILL NO. 296

New Sec. 1. (a) Any person or registration holder aggrieved or in dispute with any action of the secretary of agriculture pursuant to the provisions of K.S.A. 65-6a18 et seq., and amendments thereto, may make a request to the association of meat processors that a review board be convened to settle disputes related thereto. If a majority of the governing body agree that a review board is necessary related to any such dispute, a review board shall be convened.

(b) The review board shall be composed of three members as follows: One member designated by the association of meat processors; one member designated by the secretary of agriculture; and one member designated by the office of administrative hearings of the department of administration.

(c) The review board shall determine whether the actions of secretary of agriculture is in accordance with law. The person or registration holder and the secretary of agriculture shall provide all relevant information and records requested by the review board. In making its determination the review board shall be guided, but not limited to, by its findings with respect to the following factors:

(1) Whether the actions of the secretary are within appropriate state requirements pursuant to K.S.A. 65-6a18 et seq., and amendments thereto;

(2) Whether the actions of the secretary are within appropriate and relevant federal requirements pursuant to the federal meat inspection act; and

(3) Whether the actions of the secretary are an appropriate balance of regulatory necessity and most cost effective compliance methods for the person or registration holder.

(d) The review board shall make its determination of approving or disapproving the actions of the secretary within 90 days of the appointment of the first member of the review board. The review board shall state its reasons and findings for its determination.

(e) All costs shall be paid by the nonprevailing party.