

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Derek Schmidt at 8:30 a.m. on January 27, 2004 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Amy VanHouse, Legislative Research  
Lisa Montgomery, Office of the Revisor of Statutes  
Robert Myers, Committee Secretary

Conferees appearing before the committee:

Patty Clark - Director, Kansas Department of Commerce Ag Marketing Division  
Greg Foley - Assistant Secretary of Agriculture, Kansas Department of Agriculture  
Bill Scott - Kansas Department of Agriculture Plant Protection & Weed Control Program  
Scott Carlson - Assistant Director, Kansas Conservation Commission  
Todd Johnson - Kansas Livestock Association Governmental Affairs Staff

Others attending:

See Attached List.

Chairman Schmidt announced the possibility of a joint meeting between the Senate Commerce and Senate Agriculture Committees at which Senator Sam Brownback would be present to give a briefing on his Homestead Act efforts. He stated the possible time for this meeting as being during the morning of Monday, February 2, 2004.

Chairman Schmidt announced that efforts were being made with regard to setting up two meetings for the Senate Agriculture Subcommittee on Food Safety.

Chairman Schmidt asked the committee to consider the introduction of a bill regarding wineries in Kansas. The proposed bill would rectify shortcomings with regard to wineries being able to donate their product to local charitable events, as well as being able to serve samples of their product.

Chairman Schmidt moved to introduce the winery bill as requested, seconded by Senator Downey. The motion carried.

Chairman Schmidt asked the committee to consider the introduction of a technical corrections bill, regarding the statutes which were affected upon the dissolution of the Board of Agriculture in 1995. The proposed bill would amend these statutes in order to allow a better understanding of the state of the law.

Senator Downey moved to introduce the technical corrections bill as requested, seconded by Senator Tyson. The motion carried.

Senator Huelskamp asked the committee to consider the introduction of a bill regarding dually-inspected kennels within Kansas. This bill would eliminate dual inspection of USDA-inspected kennels.

Senator Huelskamp moved to introduce the kennel bill as requested, seconded by Senator Corbin. The motion carried.

Patty Clark appeared before the committee in order to give an annual report on the Ag Marketing Division of the Department of Commerce. She presented to the committee packets containing background information, including the following: a new publication regarding available assistance; her written testimony for the committee meeting; a list of projects funded thus far in 2004; an excerpt from the Department of Commerce Annual Report; a written review of statutory obligations; the mission statement and initiative of the Land of Kansas Trademark Program; a recent news release, providing evidence of the company interaction of the Department of Commerce; an outline of the Kansas Ag Innovation Center; a synopsis of Kansas Ethanol Plants; and finally, information on the Senior Farmers' Market Nutrition

## CONTINUATION SHEET

MINUTES OF THE SENATE AGRICULTURE COMMITTEE at 8:30 a.m. on January 27, 2004 in Room 423-S of the Capitol.

Program.

Patty Clark showed support for Chairman Schmidt's motion to introduce a winery bill, as previously mentioned. She spoke of the competitive disadvantage faced by Kansas wineries due to their inability to ship their product both interstate and intrastate. She offered the aid of the Department of Commerce in facilitating the creation of the bill.

Patty Clark elaborated on the Kansas Ag Innovation Center, describing its purpose as providing business development assistance to existing companies as well as start-up companies. This assistance regards feasibility studies, business plans, marketing studies, interjection of management review, and making sure that boards of directors understand their fiduciary and management responsibilities.

Patty Clark brought to the attention of the committee the beginning efforts of the Department of Commerce in adding tourism initiative in cooperation with the Travel and Tourism Division.

Greg Foley appeared before the committee as a proponent for **SB 353**. His testimony focused mainly on the current status of sericea lespedeza in Kansas counties. He expressed, on behalf of the KDA, the belief that the law (i.e., K.S.A. 2-1315, regarding noxious weeds) has enhanced communication and planning for the control of this weed at the county level. He further indicated that these perceived improvements, as well as the discovery of new infestations of the weed, make the removal of the law's July 1, 2005 sunset date a prudent move. His specific recommendation with regard to an amendment of the law was that the sunset be extended beyond the year 2007, in order to allow an adequate period for comparison of treatment methods (Attachment 1).

Bill Scott appeared before the committee due to the request of Senator Umbarger for a report on the treatments for sericea lespedeza. According to him, the findings of his program are that the correct treatment for sericea lespedeza must be performed approximately every third year in order to control the weed. He mentioned the role of Kansas State University, in cooperation with chemical companies, in researching new integrative methods of weed control. He further spoke of a sericea lespedeza working group in which county, state, federal, and private landowners from multiple states are all working together to further deal with the problem of sericea lespedeza.

Scott Carlson appeared before the committee due to a question posed by Senator Downey regarding the communication of priorities between the county and state Conservation Commissions. He reported that the Conservation Commission does prioritize its funding, giving the examples of water quality and water conservation. He also stated that the base allocation that is given to each conservation district, that which would be used to fund the application of sericea lespedeza treatments, is used at local discretion.

Scott Carlson responded to a question posed by Chairman Schmidt regarding what approaches have been taken by the various counties under the Plant Protection and Weed Control Program. He reported that three counties, out of the fourteen total that have been declared sericea lespedeza disaster areas, have funded applications to control it: Greenwood, Lynn, and Chautauqua. In total, these three counties funded twenty-five contracts for a total amount of \$6,735.00, a fee consisting of both chemical and application costs. He further reported that on average the treatment cost ranges from \$17.00 per acre to \$21.00 per acre.

Senator Downey suggested that the committee take a look at the Kansas Conservation Commission's data regarding the type of projects that county conservation commissions spend their money on. She explained that this would allow an observation of whether or not Kansas counties are choosing to invest in projects that are in alignment with what are seen as priorities by the committee.

Scott Carlson responded to Senator Downey by saying that the Conservation Commission's Annual Reports would be available by the following week.

Chairman Schmidt recommended to Greg Foley that the 2007 sunset mentioned on the second page of his testimony be removed from the bill along with the July 1, 2005 sunset date.

CONTINUATION SHEET

MINUTES OF THE SENATE AGRICULTURE COMMITTEE at 8:30 a.m. on January 27, 2004 in Room 423-S of the Capitol.

Greg Foley agreed to remove the second sunset as recommended.

Todd Johnson appeared before the committee, on behalf of the KLA, as a proponent for **SB 353**. He expressed support for the elimination of both the 2005 and the 2007 sunsets in K.S.A. 2-1315. He also submitted written testimony to the committee, regarding the support of his department for the bill (Attachment 2).

Greg Foley appeared once again before the committee, as a proponent for **SB 352**. He submitted written testimony from which the majority of his spoken testimony was directly drawn (Attachment 3). In addition to this information, he stated that within the last few years there have been about six cases in which incorrect procedures have been used to install weighing and measuring devices and have thus resulted in customers having to pay another licensed service company to correct their scales. He further stated that there are approximately 150 licensed service companies currently in Kansas.

The next meeting is scheduled for Wednesday, January 28, 2004.

# SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 1-27-04

NAME	REPRESENTING
Rocky Clark	KDOC
Key Hemenorlund	KDOC
Ron Seiber	Heri Law Firm
Todd Johnson	KLA
Ellie Durian	KLA
Constantine Cotsaradis	KDA
Eric King	K-Fed
Doug Wareham	KGFA/KARIA
JOHN KABUS	CWDAK / SHAWNEE COUNTY
BRAD HARRELSON	KFB
Sarah Bocker	Intern
William Scott	KDA
Tom Sim	KDA
Woody Moses	KAPA
DAVID OWEN	HOMELESS COME HOME



# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

## Testimony on Bill to Amend K.S.A. 2-1315 Regarding Noxious Weeds

to

the Senate Agriculture Committee

by Assistant Secretary of Agriculture Greg Foley

January 27, 2004

Good morning, Chairman Schmidt and members of the committee. I am Assistant Secretary of Agriculture Greg Foley, and I am here to testify about this simple amendment to remove a July 1, 2005, sunset date from K.S.A. 2-1315. This action will continue the authority of the Secretary of Agriculture to designate any county a sericea lespedeza disaster area after consulting with the board of county commissioners. This authority was given to the Secretary through SB 548, which passed in 2002.

Today I will update you on the status of sericea lespedeza in Kansas counties. I have brought Tom Sim and Bill Scott from our plant protection and weed control program to answer any technical questions you might have.

So far, 14 counties have completed the processes necessary to become sericea lespedeza disaster areas. They are Allen, Butler, Chautauqua, Coffey, Cowley, Elk, Greenwood, Linn, Lyon, Montgomery, Osage, Pottawatomie, Wilson and Woodson. Other counties can learn about the processes and procedures for submitting a county disaster petition by reading K.A.R. 4-8-43 or by contacting us. We also offer detailed instructions on our website, as well as links to forms and documents counties must submit with their petition.

We believe this law has enhanced communication and planning for the control of this noxious weed at the county level. We see private landowners and county, state and federal government agencies working as a team to manage and reduce sericea infestations.

The availability of new federal funding for sericea control is uncertain at this time. However, the enhanced EQIP program may provide a source of cost-share funding for landowners, and decisions about this money are made locally at the county level. The State Conservation Commission implements similar cost-share programs, funded through the state water plan, that are offered through the county conservation districts if they elect to make pasture

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*Senate Agriculture  
January 27, 2004  
Attachment 1*

and rangeland management a funding priority. New infestations of the weed have been discovered in central and western Kansas. The department believes it is prudent to continue this program by amending K.S.A. 2-1315 to remove the sunset date.

Substitute for S 556 required the Secretary of Agriculture to cooperate with the Secretary of Wildlife and Parks to establish a research and demonstration area for the control of sericea lespedeza at Toronto State Park. This site has been established, and a set of treatments were applied in the fall of 2002 by Gary Kilgore, KSU area agronomist for southeast Kansas. Several years of treatment will be needed to compare various control methods. More work is needed, and continuing this act beyond 2007 likely will be necessary to make the research meaningful.

More information about the status of sericea can be found on our website. The address is on the testimony: [www.accesskansas.org/kda/Plantpest/PestManagement/SLupdate2003.pdf](http://www.accesskansas.org/kda/Plantpest/PestManagement/SLupdate2003.pdf).



Since 1894

## TESTIMONY

To: Senate Agriculture Committee  
Senator Derek Schmidt, Chairman

From: Todd Johnson, Governmental Affairs Staff

Subject: **Support for SB 353** – Amendments to the state noxious weed law regarding sericea lespedeza disaster areas.

Date: January 27, 2004

*The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 6,000 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seedstock, cow-calf and stocker production, cattle feeding, grazing land management and diversified farming operations.*

Sericea lespedeza control is a priority for Kansas Livestock Association members. This invasive plant continues to be a major economic concern to land owners and cattle producers in the eastern third of our state because it reduces grass production and decreases cattle stocking rates. The concern is growing among producers as the plant spreads westward.

In 2002, SB 548 was introduced to change the state noxious weed law to better address the control and eradication of this plant. KLA supported the bill and subsequent noxious weed law changes. Those changes include:

- Permitting the secretary of agriculture to designate any county as a sericea lespedeza disaster area to provide for the control and eradication of sericea lespedeza within the county.
- Granting conservation districts authority to control and eradicate sericea lespedeza within the district in any county that the secretary of agriculture has designated as a sericea lespedeza disaster area.
- Permitting funds allocated by the state to conservation districts to be used for the control and eradication of sericea lespedeza.

When SB 548 was introduced it included a June 30, 2005, sunset on these provisions. The bill before you today, SB 353, removes the sunset, allowing the continuation of these beneficial provisions. We ask for your support in passing this bill and continuing efforts to control this detrimental plant.

Thank you.

Senate Agriculture  
January 27, 2004  
Attachment 2



# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

## Testimony on Bill to Amend K.S.A. 83-301, Regarding Weights and Measures

to

the Senate Agriculture Committee

by Assistant Secretary of Agriculture Greg Foley

January 27, 2004

Mr. Chairman and members of the committee, I offer brief testimony on a bill to amend K.S. A. 83-301 regarding weights and measures. Thank you for the opportunity to comment.

The purpose of the amendment is to close a loophole in the current statute that allows unlicensed service companies and their technicians to install scales in Kansas.

Currently, service companies and technicians must be licensed to install *and certify* scales. However, because of the statute's wording, unlicensed service companies can install a scale as long as they do not certify it. Since scale performance depends largely on proper installation, this aspect of service work should require licensing and regulation by the Department of Agriculture's weights and measures program.

Licensed service technicians must participate in four hours of continuing education and pass an examination for each type of device for which they are certified. Non-licensed service technicians are not subject to these laws. Consequently, these individuals may not follow correct installation procedures and the customer may have to pay another licensed service company to place the scale into service and correct any installation problems. Without this proposed amendment, KDA's weights and measures program has no legal recourse against the unlicensed service company.

This amendment will require service companies and technicians that only install scales to meet the same licensing requirements as those that both install and certify scales. It would provide a more level playing field among service companies, as well as provide consumer protection to businesses that own scales.

I will gladly answer any questions at the appropriate time.