

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:30 a.m. on February 20, 2008 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Matt Todd, Office of Revisor of Statutes
Judy Seitz, Committee Assistant

Conferees appearing before the Committee:

Others attending:

See attached list.

Discussion continued on SB 584—Transfer of food service and lodging duties to department of agriculture. Senator Schmidt restated the motion to rename the Department of Agriculture the Kansas Department of Agriculture and Food Safety (Attachment 1).

Constantine Cotsoradis, Deputy Secretary, Kansas Department of Agriculture, (KDA), addressed the issue of a name change and ways to incorporate in the name all the duties of the KDA.

Senator Schmidt withdrew the motion regarding the name change and requested that the KDA present to the Committee possibilities for a way to portray the many duties of the KDA in a name change. Senator Morris withdrew his second.

Senator Pine moved to pass SB 584 out of Committee, as amended, seconded by Senator Huelskamp. Motion passed. SB 584 will be reported as passed out favorably as amended.

Chairman Taddiken, said that Senator Pine, Susan Duffy, Executive Director, Kansas Corporation Commission (KCC); Mike Hoeme, Director of Transportation, KCC, and Tom Stratton, Director of Litigation, KCC, met the day before to discuss exempting certain motor carriers from KCC rules and regulations. The policy (Attachment 2) from the KCC brings relief, but it does not address the issue of crossing state lines, and hauling diesel fuel or fertilizer. The KCC has asked if the stakeholders would be willing to meet with the KCC in an effort to resolve those issues. Chairman Taddiken said there will be no hearing on SB 604—Exempting certain motor carriers from KCC rules and regulations today.

Susan Duffy, Executive Director, KCC and Captain Dan Meyer, Kansas Highway Patrol, answered questions from the Committee.

The meeting adjourned.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2-20-08

NAME	REPRESENTING
DAN MEYER	KHP
MIKE HOEME	KCC
Don M Reza	KCA
Brandy Carter	KCA
Zack Goodman	KCA
Dave Peterson	KAWG
Leslie Kaufman	Ks Coop Council
John Donley	KLA
BRAD HARRELSON	KFB
Mary Jane Stankiewicz	KARA
KEVIN GREGG	KMCA
JOHN C. BOTTEWBERG	Ks. Pork Assoc
TOM WHITAKER	Ks MOTOR CARRIERS ASSN
Woody Moses	KMCA
Gabriele Huckaby	Sen Dennis Pyle
Beth Riffel	Grass ^{vs} Grain

Department Name Change

New Section 1. (a) On and after October 1, 2008, the department of agriculture shall be and hereby is officially designated as the department of agriculture and food safety.

(b) On and after October 1, 2008, when the department of agriculture or the secretary of agriculture, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall mean and apply to the department of agriculture and food safety and to the secretary of agriculture and food safety.

(c) Nothing in this act shall be construed as abolishing the department of agriculture or the office of the secretary of agriculture, or as reestablishing the same.

Renumber all sections and change name throughout the act.

Effective Date Changes

"October 1, 2008" wherever "July 1, 2008" appears.

New Sec. 7. (a) On and after the effective date of this act, and prior to July 1, 2008, the secretary of health and environment shall not make any expenditures for the fiscal year ending June 30, 2008, from funds or accounts appropriated or reappropriated for the department of health and environment relating to the powers, duties and functions transferred by this act on October 1, 2008, without prior approval of the secretary of agriculture.

(b) On and after July 1, 2008, and prior to October 1, 2008, the secretary of health and environment shall not make any expenditures for the fiscal year ending June 30, 2009, from funds or accounts appropriated or reappropriated for the department of health and environment relating to the powers, duties and functions transferred by this act on October 1, 2008, without prior approval of the secretary of agriculture.

Senate Agriculture Committee
2-20-08
Attachment 1

LITIGATION GUIDELINE FOR INTERSTATE COMMERCE DOCKETS

Effective Date: February 19, 2008

PURPOSE:

To set internal policy regarding interstate commerce definition as it applies to motor carriers operating solely within the state of Kansas.

AUTHORITATIVE REFERENCE:

Title 49 C.F.R. Part 390.5 states: Interstate commerce means trade, traffic, or transportation in the United States:

- (1) Between a place in a State and a place outside of such State (including a place outside of the United States);
- (2) Between two places in a State through another State or a place outside of the United States; or
- (3) Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

Authorities cited in February 18, 2008 memo to Chairman Thomas E. Wright from Tom Stratton, Chief Litigation Counsel.

POLICY:

Upon a review of the available facts and circumstances surrounding a farm to market commodity shipment, if there is no clear evidence that the farmer-shipper's intent as respects the movement of the items in commerce is one of interstate transport, that intent shall not be inferred. For the purpose of this policy, intrastate carrier is defined as a carrier who operates solely in intrastate commerce and does not transport placardable quantities of hazardous materials. If the operation is solely within the state of Kansas and the commerce engaged in is solely within the state of Kansas, the shipment is considered intrastate commerce.

*Senate Agriculture Committee
2-20-08
Attachment 2*