

Approved: 04/02/09  
Date

## MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:30 a.m. on March 18, 2009 in Room 446-N of the Capitol.

All members were present except:

Senator Terry Bruce- excused  
Senator Steve Morris- excused

Committee staff present:

Corey Carnahan, Kansas Legislative Research Department  
Jason Thompson, Revisor of Statutes Office  
Kristen Kellems, Revisor of Statutes Office  
Judy Seitz, Committee Assistant

Conferees appearing before the Committee:

Rhonda Janke, Ph.D., Associate Professor and Extension Specialist, Sustainable Cropping Systems, Department of Horticulture, Forestry and Recreation Resources, Kansas State University (KSU)  
Carole Jordan, Senior Director, Rural Development, Kansas Department of Commerce (DOC)  
Constantine Cotsoradis, Deputy Secretary, Kansas Department of Agriculture (KDA)  
Tim Stroda, President-CEO, Kansas Pork Producers (KPP)  
Karl Muedener, Director, Bureau of Water, Kansas Department of Health and Environment (KDHE)

Others attending:

See attached list.

Rhonda Janke, Ph.D., Associate Professor and Extension Specialist, Sustainable Cropping Systems, Department of Horticulture, Forestry and Recreation Resources, Kansas State University, gave an "Update on Local Food Availability and Economic Potential in the Kansas River Valley". She used a power point slide presentation. She noted a sign that has been seen on Kansas highways is "One Kansas Farmer feeds 128 people + you." Dr. Janke said that Kansas has plenty of beef and wheat for Kansas residents.

According to a 2007 census, Kansas (population of 2.8 million) has 473 vegetable farms with 8,976 acres in vegetable production. There was a chart ([Attachment 1](#)) showing how many acres of vegetables and fruits are planted and how many days Kansas residents could be fed on those crops. Kansas is behind other states in fruit and vegetable production ranking 45 out of 50 states. The Kansas River Valley has historically been a major producer of vegetables and fruits. Dr. Janke said that a food shed is a place to keep food or a region or area from which you consume foods. Currently our food shed is global. Urban agriculture has resulted in significant amounts of food being grown in as well as surrounding food shed areas.

She said there is more consumer interest and awareness in local foods because they are perceived as fresh and healthy. She noted several recent publications promoting local fruits and vegetables. Dr. Janke also noted that the United States Department of Agriculture (USDA) is providing funding in the Farm Bill for specialty crop grants. K-State recently hosted the First Annual Kansas River Valley Local Foods Meet and Greet (brochure on file in Senator Taddiken's office) bringing together producers, buyers, and chefs to discuss local food utilization.

Carole Jordan, Senior Director, Rural Development, Kansas Department of Commerce, reported that local foods are providing growing markets even in a time of economic downturn ([Attachment 2](#)). She said the American Farm Bureau announced the biggest food trend of 2008 was local foods and created a new word - "locavore," which means a person who seeks out and consumes locally grown foods. There is also a growing farm-to cuisine movement. Ms. Jordan noted that following the interest in local foods is an increasing desire for "agri-tainment" which includes enjoyment of u-pick or agritourism or farmers' markets. Ms. Jordan mentioned the luncheon to be held the next day to celebrate Kansas Ag Day; which will be co-sponsored by the KDA, KDC and the Commodities groups. The food served at the luncheon is from Kansas producers all over the state.

## CONTINUATION SHEET

Minutes of the Senate Agriculture Committee at 8:30 a.m. on March 18, 2009 in Room 446-N of the Capitol.

Dr. Janke took questions from the Committee.

Chairman Taddiken opened the hearing on **SB 316 - Application of swine waste.**

Kristen Kellems, Revisor of Statutes Office, reviewed **SB 316**. She said this bill amends two statutes requiring the Secretary of Agriculture to review and approve nutrient utilization plans (NUPs) that provide for the application of swine waste. After approval by the Secretary, the plans are then submitted to the Kansas Department of Health and Environment (KDHE) to review before permits allowing for the application of wastewater are issued. Currently statutes do not provide funding for the KDA to review nutrient utilization plans. Ms. Kellems said this bill allows the review and approval of nutrient utilization plans depending on which agency has the funding.

Chairman Taddiken noted there were no proponents on **SB 316** but KDA is requesting that they not be required to review and approve NUPs since there is no funding for this program.

Constantine Cotsoradis, Deputy Secretary, KDA, presented neutral testimony for **SB 316 (Attachment 3)**. He said the KDA was required to describe to the Senate Ways and Means Subcommittee how the agency could meet a 10% state general fund reduction and the NUP reviews was a function that could be eliminated without compromising their ability to fulfill their core mission.

Tim Stroda, President-CEO, Kansas Pork Producers (KPP), gave neutral testimony on **SB 316 (Attachment 4)**. He said that while the KPP supports consolidation of programs they have concerns about the uncertainty the language provides. He further stated it would be difficult for producers to know which agency has oversight under the proposed language. The KPP requests that the Committee amend the language to provide the oversight duties to one agency.

Karl Mueldener, Director, Bureau of Water, Kansas Department of Health and Environment (KDHE) presented testimony in opposition to **SB 316 (Attachment 5)**. He said the proposed bill potentially shifts work from the KDA to the KDHE without accounting for funding the work. Mr. Mueldener stated that **SB 316** takes a novel approach to the regulation of land-applied swine wastes, shifting the responsibility from one state agency to another state agency from one year to the next, not based on the purpose for the program in either of the respective agencies, but based solely on whether money has been appropriated for one of the agencies. Mr. Cotsoradis and Mr. Mueldener took questions from the Committee.

Chairman Taddiken recognized Representative Sharon Schwartz. She said her concern is that Kansas has a good program in place and it has allowed Kansas to do the responsible thing for the swine industry. She also is concerned from the producers standpoint that if the renewal and permitting process is held up because the agency does not have the resources to be able to accommodate the producers, it would put the producers in a bad position.

Senator Barnett moved that **SB 316** be passed; seconded by Senator Ostmeyer. There was discussion on the motion. Motion carried.

The meeting was adjourned at 9:33 a.m.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: March 18, 2009

NAME	REPRESENTING
Dono Teske	Ks Farmers Union
Paul Johnson	Ks. Cath Conference
Valerie Carroll	Kansas State Univ.
John Mitchell	KS Dept of Health & Env
Erik Wisner	KS Dept. of Ag
Jessica Bowser	KS Dept of Ag
CV Cotsaradis	"
Tom Thompson	Sierra Club
Karl Muehdener	KDHE
BRAD HARRISON	KFB
Tim Stroda	Ks Pork Association
Terry medley	KDHE
Susa King	KDHE
Helen Harris	Leavenworth-Lansing Leadership
Kent Askren	KFB
Carol Jordan	KDCC
Mike Bean	Ks Livestock Assn.
Ledw Kaufman	Ks Co-op Council

Vegetable	days to feed KS	KS prod 2002 acres	KS prod 2007 acres	diff 2007&2002 acres
asparagus	16.7	54	76	22
beans lima	1.6	0	1	1
bean-snap	5.2	26	50	24
beets	18.0	9	8	-1
broccoli	1.0	6	6	0
Chinese				
cabbage	10.5	0	2	2
cabbage	130.1	9	354	
cantaloupe	51.2	365	164	-201
carrots	0.7	2	2	0
cauliflower	2.9	0	1	1
collards	2.9	0	1	1
cucumber	4.1	13	19	6
eggplant	5.1	4	7	3
garlic	1.4	2	5	3
kale	2.9	0	1	1
lettuce (all)	0.3	4	3	-1
mustard & turnip greens	31.8	*	11	
okra	12.6	12	12	0
onion dry	61.5	*	354	
onion green	8.7	8	3	-5
peas	12.6	*	8	
pepper-bell	21.3	25	107	82
pepper-hot	2.6	21	20	-1
potatoes-Irish	130.5	3764	5266	1502
potato-sweet	14.3	29	49	20
pumpkins	318.1	705	1008	303
radish	25.2	1	8	7
rhubarb	9.5	3	12	9
spinach	2.4	9	5	-4
squash	21.4	50	51	1
sweet corn	51.7	684	792	108
tomatoes	5.0	111	127	16
turnip/rutabaga	53.6	27	17	-10
veg other	248.5	27	63	36
watermelon	86.5	343	363	20
<b>TOTAL</b>	<b>40.0</b>	<b>6647</b>	<b>8976</b>	<b>2329</b>

(note: figures in red are estimates as figures not given in Census of Ag)

Senate Agriculture Committee  
3-18-09  
Attachment 1

1-2

Temperate Fruit Crop	days to feed Kansas in 2007	Total per capita fw lb	Acres in KS 2002	acres KS 2007	change 2007 vs 2002	lb needed in KS	acres need in KS	percent acres needed	additional acres needed
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Apples	10.3	50.8	599	333	-266	141020648	11752	0.03	11419
Grapes	12.3	19.1	216	299	83	53021543	8837	0.03	8538
Peaches	14.7	9.5	354	213	-141	26371972	5274	0.04	5061
Strawberry	2.3	7	34	15	-19	19431979	2429	0.01	2414
Pears	8.3	5.6	40	32	-8	15545583	1413	0.02	1381
Cherry	3.5	1.9	18	25	7	5274394	2637	0.01	2612
Raspberry	6.6	0.2	15	5	-10	555199	278	0.02	273
Blackberries	98.6	0.1	52	15	-37	277600	56	0.27	41
Other berries	15.8	0.1	24	4	-20	277600	93	0.04	89
Apricots	8.2	0.9	8	8	0	2498397	357	0.02	349
Blueberries	3.9	0.8	35	4	-31	2220798	370	0.01	366
Plums	3.5	2.5	31	11	-20	6939993	1157	0.01	1146
Persimmon	10.5	0.05	4	2	-2	138800	69	0.03	67
Nectarines	2.6	3	0	12	12	8327991	1666	0.01	1654

<b>Sum of KS fruit</b>	<b>7.2</b>	<b>101.55</b>	<b>1430</b>	<b>978</b>	<b>-452</b>	<b>281902495</b>	<b>49333</b>	<b>0.02</b>	<b>48355</b>
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pecans all	1299.7	0.5	5215	6178	963	1387999	1735	3.56	-4443
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**Testimony to the Senate Agriculture and Natural Resources Committee**

**March 18, 2009**

**Agriculture Marketing**

**Carole Jordan**

**Director, Rural Development Division  
Kansas Department of Commerce**

Senator Taddiken and members of the Committee:

As you well know, Kansas is home to many “traditional” crops and livestock that not only feed the world but also contribute jobs and dollars to our economy.

We also have growing opportunities for specialty crops and livestock and niche marketing of agricultural products. Our local fields can enrich small farmers, rural communities and the economy of the state of Kansas. We at the agriculture marketing division are very excited about this opportunity.

Local foods are providing growing markets, even in the economic downturn. Both urban and rural consumers are taking a greater interest in where their food comes from, who produces it and how it is produced. There are a variety of reasons consumers choose to buy local. And there are a variety of reasons people might decide to be a small farmer, focusing on market opportunities for local, sustainable or organic foods.

The American Farm Bureau last December announced the biggest food trend of 2008 was local foods. This trend has even created a new word—“locavore”—a person who seeks out and consumes locally grown foods. I believe people will continue to want to know where their food comes from, and to enjoy the specialties of different regions.

There also is a growing farm-to-cuisine movement. A Smithfield, Mo., restaurant was recently featured prominently in the New York Times Sunday magazine. The restaurant owner not only seeks out locally grown vegetables and grains, but also premium meat grown and processed locally. This has meant more markets for area farmers and more jobs on the farms and at the local locker plant, which has grown from selling to the hometown restaurant into markets in Kansas City and as far away as New York. That means jobs, and the plant has grown from employing just the family into a successful small business with 25 employees. Tourists are planning trips around farming, agriculture and this restaurant.

*Senate Agriculture Committee*  
*3-18-09*  
*Attachment 2*

AGRICULTURE MARKETING

1000 S.W. Jackson St., Suite 100; Topeka, KS 66612-1354 • (785) 296-3737 • Fax: (785) 296-3776

TTY: (785) 296-3487 • E-mail: [agprod@kansascommerce.com](mailto:agprod@kansascommerce.com)

We hope you all can take time tomorrow to attend this year's luncheon to celebrate Kansas Ag Day. We will be enjoying a variety of foods from all across Kansas – communities such as Louisburg, Whiting, Colby, McPherson, Barnes, Viola and Kansas City just to name a few. Local foods are produced and marketed from cities and towns, large and small, urban and rural. These local foods can be enjoyed as a stand-alone menu item or as an ingredient in other dishes. Following the interest in local foods is an increasing desire for “agri-tainment”— enjoyment of u-pick or agritourism, or farmers’ markets.

You’re going to hear more about a farmer-driven local foods movement. We’re supportive of that and believe it could bring other economic development benefits to Kansas. We’ve worked hand in hand with the Department of Agriculture to push out funding from USDA for specialty crops from grape and wine to farmers’ markets to growing yams and ethnically popular foods. We’ve developed the new *Simply Kansas* trademark program to help Kansans recognize home-grown foods.

As the Secretary of Agriculture says, “the future is in our fields.” For many small growers, the future can be in our local fields, producing specifically for a niche market.

Thank you.

**Testimony on SB 316  
to  
the Senate Agriculture Committee**

**by Constantine V. Cotsoradis  
Deputy Secretary  
Kansas Department of Agriculture**

**March 18, 2009**

Good morning, Chairman Taddiken and members of the committee. I am Constantine Cotsoradis, deputy secretary of agriculture, and I am here today to present neutral testimony on Senate Bill 316.

Nutrient management plans are required under the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES). The Kansas Department of Health and Environment is the state agency with authority to administer the federal National Pollutant Discharge Elimination System in Kansas.

A nutrient utilization plan is required for each nutrient management plan. By statute, the Kansas Department of Agriculture reviews and approves swine nutrient utilization plans only. The Kansas Department of Health and Environment reviews and approves plans involving cattle. If a swine facility has an approved nutrient utilization plan, and has met all other requirements for their nutrient management plan, KDHE issues an NPDES permit to the facility.

We were required to describe to the Senate Ways and Means Subcommittee how we could meet a 10 percent state general fund reduction. We identified the swine nutrient utilization plan review as a function we could eliminate without compromising our ability to fulfill our core mission.

The Senate Ways and Means Subcommittee recognized that the statute had to change to reflect the budget reduction, so this bill was introduced. Its passage is necessary to ensure that we can implement the budget reduction without abandoning our statutory responsibilities.

I will stand for questions at the appropriate time.

*Senate Agriculture Committee  
3-18-09  
Attachment 3*





## Senate Agriculture Committee

### Testimony on Senate Bill 316

By Tim Stroda  
President-CEO  
Kansas Pork Association

March 18, 2009

Mr. Chairman, members of the Committee, I am Tim Stroda. I represent the members of the Kansas Pork Association.

Kansas pork producers have been working with the Kansas Department of Agriculture and the Kansas Department of Health and Environment to strengthen our environmental practices for many years.

Through environmental education programs, the pork industry has been an active partner with the agencies in working to safeguard the state's natural resources.

We believe either agency can provide the oversight needed to implement the nutrient management plans.

While we support the consolidation of programs, we do have concern about the uncertainty this language provides. We believe it will be difficult for producers to know which agency has oversight under the proposed language.

Our members respectfully request that the committee amend the language to provide the oversight duties to one agency.

I would stand for any questions.

*In 2008, Kansas pork producers sold over 3.2 million head of market hogs, feeder pigs and seed stock with a gross market value over \$405 million. This year, Kansas pork operations will consume nearly 40 million bushels of grain or grain products.*

*Our operations provide food for the world and a positive economic impact on the state and local economy. Kansas pork producers work every day to manage the nutrients produced on our farms as a valuable resource and in a manner that safeguards air and water quality.*

2601 Farm Bureau Road • Manhattan, Kansas 66502 • 785/776-0442 • FAX 785/776-9897  
e-mail: [kpa@kspork.org](mailto:kpa@kspork.org) • [www.kspork.org](http://www.kspork.org)

Senate Agriculture Committee  
3-18-09  
Attachment 4



*Kathleen Sebelius, Governor  
Roderick L. Bremby, Secretary*

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

[www.kdheks.gov](http://www.kdheks.gov)

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## **Testimony on Senate Bill 316**

**Presented to  
Senate Agriculture Committee  
by  
Karl Mueldener  
Director, KDHE Bureau of Water**

**March 18, 2009**

Chairman Taddiken, members of the Committee, I am here in opposition to SB 316 due to fiscal and program implementation concerns. The proposal potentially shifts work from the Kansas Department of Agriculture (KDA) to the Kansas Department of Health and Environment (KDHE) without accounting for funding the work.

Nutrient Utilization Plans (NUPs) are required by swine growers seeking a permit from KDHE for a livestock facility. By statute, KDA is charged with reviewing and approving NUPs. KDHE accepts KDA approval as satisfying one of the swine permit requirements; KDHE then processes the permit application for the other state and federal requirements for livestock waste permitting. Assuming all the requirements are met, and with KDA's approval of the NUP, KDHE would issue the permit. From KDHE's perspective the livestock waste permitting process utilizes KDA's resources to review and approve the NUPs. If KDA does not review these plans (NUPs), KDHE will need to pick up this work in order for permits to be issued.

Federal permitting regulations implementing the Clean Water Act require a document similar to the NUP but called a Nutrient Management Plan (NMP). The federally required plan (NMP) has some additional components that KDHE handles. The additional federal components include consideration of chemical handling and storage, freshwater diversions away from the facility, storage of wastes, avoiding direct animal contact with the waters of the nation, dead animal handling, and application of waste best management practices.

KDHE now accepts KDA's NUP approval as satisfying the land application component of the NMP. SB 316 will reduce the agencies involved, but the work of reviewing the land application plan still must be completed. The proposal shifts this work to KDHE without accounting for funding the work.

In addition, SB 316 takes a novel approach to the regulation of land-applied swine wastes, shifting the responsibility from one state agency to another state agency from one year to the next, not based on the purpose for the program in either of the respective agencies but based solely on whether money has been appropriated for one of the agencies.

I appreciate the opportunity to provide these comments and will stand for questions at the appropriate time.

*Senate Agriculture Committee  
3-18-09  
Attachment 5*