

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 3:30 p.m. on February 2, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Johnson - Excused
Representative Wetta - Excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Corey Carnahan, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Pat Matzek, Committee Assistant

Conferees appearing before the Committee:

Erik Wisner, Policy Analyst, Kansas Department of Agriculture

Others attending:

See attached list.

Chairman Powell opened the meeting advising of hearings being conducted today on **HB 2566** - Food and drug inspection duties under the department of agriculture, and **HB 2567** - Notice requirements for termination of water rights. Chairman Powell then introduced Erik Wisner, Policy Analyst, Kansas Department of Agriculture.

Hearing on HB 2566 and HB 2567:

PROPONENTS:

Erik Wisner, Policy Analyst, Kansas Department of Agriculture (KDA), spoke as a proponent on **HB 2566** (Attachment 1), advising the bill makes several technical changes to the Food, Drug and Cosmetic Act. Mr. Wisner further stated the proposed amendments in **HB 2566** would change all references to the Kansas Department of Health and Environment in the Kansas Food, Drug and Cosmetic act to the Kansas Department of Agriculture as it relates to regulating over the counter drugs and cosmetics. The amendments would simply codify in law current practices and provide clarity to the regulated community.

Erik Wisner, Policy Analyst, Kansas Department of Agriculture, spoke as a proponent on **HB 2567** (Attachment 2), stating the bill makes several changes to the Kansas Water Appropriation Act. Mr. Wisner also commented that **HB 2567** will change the existing requirement that the Chief Engineer send certain notices by certified mail and will impact notices sent to water right and permit holders notifying them they have 60 days to request an extension in time to perfect their water right or complete their diversion works. These notifications will be sent by first-class, postage-prepaid mail as opposed to certified mail saving the KDA approximately \$8,650 yearly in mailing costs and staff time. Additionally, **HB 2567** also includes a statute which requires a person to notify the division of water resources within 60 days if there is a change of ownership or if the name or address of the owner changes.

Lane Letourneau, Program Manager, Division of Water Resources, Kansas Department of Agriculture, also answered questions posed by members of the Committee.

Written testimony in support of **HB 2567** was provided by Wayne A. Bossert, Northwest Kansas Groundwater Management District No. 4 (Attachment 3).

The hearing was closed on **HB 2566** and **HB 2567**.

Chairman Powell requested Committee members to approved meeting minutes dated 1-12, 1-13, 1-19, 1-20, 1-21, 1-25, 1-26 and 1-27. Daniel Yoza, Office of the Revisor of Statutes, stated there was a question concerning the January 20 minutes, wherein Representative Lukert made a motion to introduce a resolution

CONTINUATION SHEET

Minutes of the House Agriculture and Natural Resources Committee at 3:30 p.m. on February 2, 2010, in Room 783 of the Docking State Office Building.

urging Congress and the Federal Environmental Protection Agency to not enact needless restrictive regulations on Kansas livestock producers. Representative Lukert made a motion to withdraw the introduction of the above-referenced resolution. Representative Fund seconded the motion. The motion carried.

A motion was made to approve the meeting minutes. Representative Hayzlett seconded the motion. The motion carried.

The next meeting is scheduled for February 8, 2010.

The meeting was adjourned at 4:10 p.m.

AG. & NATURAL RESOURCES COMMITTEE GUEST LIST

DATE: 2-2-10

NAME	REPRESENTING
Dick CARTER	TIAK
John Dorley	KS Cust. Ass'n
Wanda Kinney	Kansas Cattlemen's Assoc.
J. J. Jones	Commerce
LANCE LETOURNEAU	KDA
Steve Morris	KDA
Chris Beightel	KDA
Eric Wisner	KDA
Charles Hunt	KDHE
Danette Shaw	Washburn University
Wigh Keck	Hlein Law firm
Kent Askren	KFB
TED HENRY	CAPITOL STRATEGIES.
Ron Seeber	KGFA

**Testimony on House Bill 2566
to
the House Agriculture and Natural Resources Committee**

**by Erik Wisner
Policy and Program Analyst
Kansas Department of Agriculture**

February 2, 2010

Good afternoon, Chairman Powell and members of the committee. I am Erik Wisner, policy and program analyst with the Kansas Department of Agriculture. I am here in support of House Bill 2566, which makes several technical changes to the Food, Drug and Cosmetic Act.

In 2008, the Legislature transferred all responsibility for the inspection and licensing of food service establishments and lodging facilities from the Department of Health and Environment to the Department of Agriculture. After a thorough review of all food safety statutes, several amendments were needed to ensure that current law accurately reflected the operations of the program.

The proposed amendments in HB 2566 would change all references to the Kansas Department of Health and Environment in the Kansas Food, Drug and Cosmetic Act to the Kansas Department of Agriculture as it relates to regulating over the counter drugs and cosmetics. Before the transfer, KDHE food safety staff inspected over the counter drugs and cosmetics as part of routine inspections of regulated establishments. Since the transfer, we have entered into a memorandum of understanding with KDHE to have KDA inspect these products. The MOU was designed as a short-term fix. Currently, KDA has no statutory authority to enforce the provisions of the act or to amend regulations without the proposed change. The amendments would simply codify in law current practices and provide clarity to the regulated community.

I will stand for questions at the appropriate time.

Ag & Natural Resources Committee
Date 2-24-10
Attachment 1

**Testimony on House Bill 2567
to
the House Agriculture and Natural Resources Committee**

**by Erik Wisner
Policy and Program Analyst
Kansas Department of Agriculture**

February 2, 2010

Good afternoon, Chairman Powell and members of the committee. I am Erik Wisner, policy and program analyst with the Kansas Department of Agriculture. I am here in support of House Bill 2567, which makes several changes to the Kansas Water Appropriation Act. The bill will provide the agency some fiscal savings but more importantly it also seeks to implement a new statute which helps to ensure the agency has correct information for a water right owner or permit holder.

Last year, KDA was instructed by the Legislative Post Audit committee to develop a list of changes that the agency could implement to trim ten percent of the agency's state general fund expenditures. The agency was able to implement some changes because statutory revisions were not required. Several proposed changes, including the ones described here, require legislative action.

HB 2567 will change the existing requirement that the Chief Engineer send certain notices by certified mail. This change will impact notices sent to water right and permit holders notifying them they have 60 days to request an extension in time to perfect their water right or complete their diversion works. This change also affects the notice sent to a water right holder when no lawful, beneficial use of water has been reported for three successive years. These notifications will still be sent by first-class, postage-prepaid mail as opposed to certified mail. This change will save the department about \$8,650 a year in mailing costs and staff time.

HB 2567 also includes a new statute which requires a person to notify the division of water resources within 60 days if there is a change of ownership or if the name or address of the owner changes. If water right owners are required to provide this information, it will eliminate some uncertainty as to whether the actual water right holder is receiving statutorily-required notices or whether someone other than that person is receiving that important information.

I appreciate the committee taking the time to hear my testimony on HB 2567 and will stand for questions at the appropriate time.

Ag & Natural Resources Committee
Date 2-24-10
Attachment 2

NORTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 4

STATEMENT OF ISSUE - TESTIMONY

February 2, 2010

PO Box 905
Colby, Kansas 67701-0905
Phone: (913) 462-3915
Fax: (913) 462-2693
E-mail: wab@gmd4.org

ISSUE: HB 2567 – Certain DWR Notifications

A Bill to allow DWR to make certain notifications by regular mail rather than certified mail.

BACKGROUND:

HB 2567 amends KSA 82a-714 by allowing DWR to notify the permit holder by first class mail, postage prepaid instead of certified mail that his or her time to complete their diversion works is pending. It also amends KSA 82a-718 to allow the same kind of notification process (first class mail, postage prepaid) for the user when no lawful beneficial use has been reported for the water right in the past three years.

CONCERNS & COMMENTS:

None.

RECOMMENDATIONS:

1. The Northwest Kansas Groundwater Management District supports this bill.

Wayne A. Bossert

Signed: Wayne A. Bossert, GMD 4 Manager

Ag & Natural Resources Committee
Date 2-24-10
Attachment 3