

Approved: March 9, 2010

Date

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 24, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Johnson - 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:

Katie Howard, Environmental and Laboratory Issues Director, Kansas Department of Agriculture.
Hal Hudson, Executive Director, Pest Control Association, with written testimony from Mark Hassman,
Hassman Termite & Pest Control, Inc.
Leslie Kaufman, Executive Director, Kansas Cooperative Council.
Mary Jane Stankiewicz, Kansas Agribusiness Retailers Association.

Others attending:

See attached list.

Chairman Powell began the meeting with information regarding the issue raised by Dr. Richardson, who maintains that the elephants at the Topeka Zoo are not getting enough exercise and suggesting they be transported to Virginia. Greg Dennis, Kansas Veterinary Medical Association, General Counsel, who gave a presentation to the Committee on January 20, concerning animal rights and animal welfare issues, informed Chairman Powell that Dr. Richardson is not a specialist defined by the American Veterinarian Medical Association in that he is not Board certified by the American College of Zoological Medicine or other specialty boards.

Raney Gilliland, Kansas Legislative Research Department, gave an explanation of **SB 394**, advising this bill amends two sections of the Kansas pesticide law. The first section deals with the authority for entities to publish information or conduct short courses of instruction in the safe use and application of pesticides. Mr. Gilliland further advised that under current law, the Secretary of Agriculture is authorized, in cooperation with Kansas State University, to publish this information and conduct these short courses. The new language authorizes Kansas State University to continue to do that but also authorizes other educational institutions in the state of Kansas, or in another state, or with state and federal agencies, or any other person to publish this information, or to help conduct these short courses. Similarly, the second section that is being amended, beginning on Line 21, deals with carrying out the provisions of the Kansas pesticide law or securing uniformity in the regulations.

2/24

After the bill explanation, Chairman Powell opened the hearing on **SB 394**.

Hearing on SB 394:

PROPONENTS:

Katie Howard, Environmental and Laboratory Issues Director, Kansas Department of Agriculture (KDA), appeared as a proponent of **SB 394** (Attachment 1), stating the proposed amendments will allow the KDA to use the most current material to prepare the certifications exams, whether the material is developed at Kansas State University (KSU) or elsewhere, and in doing so, would ensure the most up-to-date educational information is available to the KDA's pesticide applicators. Ms. Howard also stated the proposed statute changes would benefit the pesticide applicators, the consumer, and the environment.

CONTINUATION SHEET

Minutes of the House Agriculture and Natural Resources Committee at 3:30 p.m. on February 24, 2010, in Room 783 of the Docking State Office Building.

Hal Hudson, Executive Director, Kansas Pest Control Association, spoke in favor of **HB 394** (Attachment 2), advising his purpose was two-fold; one, to say that Kansas Pest Control Association urges the Committee to report the bill favorably for passage, and two, to present the Committee with written testimony from Mark Hassman, Hassman Termite & Pest Control, Inc. (Attachment 3).

Leslie Kaufman, Executive Director, Kansas Cooperative Council (KCC), presented testimony in favor of **HB 394** (Attachment 4), stating the KCC believes this bill will allow the KDA more options in advancing training, it can provide dollar savings if the state is able to access materials already published, it may allow for increased electronic delivery, and it may also mean that KSU is not required to duplicate efforts of entities outside the KSU university system.

Mary Jane Stankiewicz, Kansas Agribusiness Retailers Association (KARA), appeared as a proponent of **HB 394** (Attachment 5), advising KARA is supportive of this bill because their members are primarily agricultural retail facilities but include chemical, fertilizer and seed sales companies, etc., and KARA members use and need the manuals and information referenced in this bill. Ms. Stankiewicz also advised that KARA recognizes the budget cuts that all agencies and institutions have had to take over the last few years, including KDA and KSU, and believes this bill would lessen the requirement that KSU must do all of the work on these manuals and allow more flexibility for both KSU and KDA.

After questions were asked by members of the Committee, the hearing was closed on **SB 394**.

Chairman Powell appointed a Subcommittee for **HB 2493** - Eliminating classifications of dams and water obstructions. Subcommittee members are Representatives Light, Maloney, Kerschen and Wetta. Chairman Powell will Chair the Subcommittee.

Committee members were asked to approve meeting minutes dated 2-01, 2-02, 2-08, 2-09, 2-10, 2-11, 2-15 and 2-16. Representative Hayzlett made a motion to approve the meeting minutes. Representative Tony Brown seconded the motion. The motion carried.

The meeting was adjourned at 4:00 p.m.

The next meeting is scheduled for February 25, 2010.

AG. & NATURAL RESOURCES COMMITTEE GUEST LIST

DATE: 2-24-10

NAME	REPRESENTING
TED HEALING	CS.
Mary Jane Stankiewicz	KARA
Lisette Kaufman	Kp Co-op Council
Kelli Kirkwood	KLA

**Testimony on SB 394
to
The House Agriculture and Natural Resources Committee**

**by Katie Howard
Environmental and Laboratory Issues Director
Kansas Department of Agriculture**

February 24, 2010

Good afternoon, Chairman Powell and members of the committee. I am Katie Howard, environmental and laboratory issues director for the Kansas department of agriculture (KDA), and I am here in support of Senate Bill 394.

KDA's pesticide and fertilizer program is charged with certifying pesticide applicators. Competency testing is a requirement of that certification process. New applicators and those seeking to renew a certification need educational material to prepare them to take the written examinations and to safely apply pesticides. By statute, any study materials we use to develop our certification exams must come from Kansas State University (KSU). The KSU study manuals currently available are outdated. Some of the manuals have not been updated for more than 20 years. The pest control industry has not remained static. Pesticide development and application technology have dramatically evolved in recent years, and continue to do so.

The proposed amendments will allow KDA to use the most current material to prepare the certification exams, whether the material is developed at KSU or elsewhere. In doing so, we would ensure the most up to date educational information is available to our pesticide applicators. For example, the National Association of State Departments of Agriculture (NASDA) has a free general manual we could direct applicants to use. There are EPA funded regional manuals as well as relevant manuals from other sources. The current statute would prohibit KDA from using these materials.

Our proposed statute changes will allow KDA to base our competency certification process on the most current educational materials. This benefits the pesticide applicators, the consumer, and the environment.

I will answer questions at the appropriate time.

Ag & Natural Resources Committee

Date 3-9-10

Attachment 1

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**Statement by
Hal Hudson, Executive Director
Kansas Pest Control Association
Before the
House Agriculture Committee
On Senate Bill 394**

February 24, 2010

Mr. Chairman and Members of the Committee:

My name is Hal Hudson, and I am Executive Director of the Kansas Pest Control Association – a statewide trade association representing pest management professionals whose business is to protect the health and property of the citizens of our state.

My purpose in being here today is two-fold:

1. To say to you that our Association supports enactment of S.B. 394, and urges you to report the bill favorable for passage;

And

2. To present to you written testimony of Mark Hassman of Salina, who could not be here today, as presented to the Senate committee last month.

Thank you for this opportunity to express our support of SB 394.

Ag & Natural Resources Committee
Date 3-9-10
Attachment 2

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**Testimony of Mark Hassman
Hassman Termite & Pest Control, Inc.
Before the Senate Agriculture Committee
On Senate Bill 394**

Tuesday, January 26, 2010

Thank You Mr. Chairman and Members of the Committee:

My name is Mark Hassman. I reside in Salina and am part of a pest control business which my family has started some 48 years ago. We are also very active in our trade association and I am here today as a representative of the Kansas Pest Control Association to speak in support of Senate Bill 394.

This Bill before you is one that was derived I am sure as a result of necessity for the Department of Agriculture. Two years ago it became obvious that the primary agency that was delegated the responsibility of providing pesticide use and safety training in the Kansas was running into roadblocks in being able to adequately finance this duty. The Secretary, for as long as I can remember, has given the duty to KSU extension services Pesticide Safety Education Program as currently allowed by statute. There has been an effort to come up with a way to finance this program but we have been unable to come up with an agreement on it.

The current programs are in need of improvement. Training opportunities need to be expanded to meet the ever changing nature of pest management. Certification training manuals, while containing useful information, have not been updated to reflect the industry today.

As I mentioned earlier, this Bill I am sure was derived out of necessity. The Department understands full well that the responsibility of insuring adequate, up to date training opportunities lies squarely on their shoulders. But they need greater flexibility to be addressed in the Statutes –flexibility that would ultimately give them a broader choice of entities that they could partner with to meet this obligation.

The Kansas Pest Control Association supports this Bill but would request one slight change in language. We would like line 15 to read “other educational institutions, state and federal agencies, professional trade associations, or other person....” In addition we would also like line 22 to read with the federal government, with any professional trade association, or with any person... We feel this would give the Secretary another reasonable option to exercise.

We urge the adoption of this Bill. It gives more flexibility to the Secretary and still retains the necessary oversight by the Department for pesticide safety and use training.

Ag & Natural Resources Committee
Date 3-9-10
Attachment 3



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**House Agriculture Committee
February 24, 2010**

SB 394 - Allowing KDA to partner with multiple entities to provide pesticide safety information.

Chairman Powell and members of the House Agriculture Committee, thank you for the opportunity to comment in support of SB 394. I am Leslie Kaufman, Executive Director for the Kansas Cooperative Council.

The Kansas Cooperative Council (KCC) represents all forms of cooperative businesses across the state -- agricultural, utility, credit, financial and consumer cooperatives. Approximately half of our members are grain elevator/farm supply cooperatives. Many of these farm supply cooperatives engage agricultural chemical sales and application. These member-owned businesses are stakeholders for the pesticide programs coordinated by the Kansas Department of Agriculture (KDA).

We do believe that our members will benefit from the changes embodied in SB 394 as it will allow the KDA the ability to utilize appropriate information/training materials in addition to those available through Kansas State University (KSU). KSU has been an integral partner in providing information on pesticide safety through written materials, presentations, training courses and Extension. Their work with the agricultural producer and agribusiness sectors over the years is

appreciated. We believe there will continue to be a role for KSU in these types of educational/training activities even after enactment of the proposal before you.

As we see it, this bill will allow KDA more options in advancing training. It can provide dollar savings if the state is able to access materials already published. It may allow for increased electronic delivery. It may also mean that KSU is not required to duplicate efforts of entities outside the KSU university system.

We do not believe all the informational resources needed by Kansas applicators will be found outside our state. We do think there will be Kansas specifics that may need to be incorporated into other materials or supplemental materials may need to be produced. But, if KDA finds that "someone else invented a wheel", then our valuable state/university resources will not need to be diverted into "re-inventing" another. Additionally, if other entities have already invested in updating certain training materials, and we do not have to duplicate those efforts, Kansas applicators may be able to receive the new information more expeditiously.

As such, we see the changes proposed in SB 394 as a common-sense approach that can allow the KDA, and their cooperative programming with KSU, additional cost-effective, time-efficient options. We believe the changes made by the Senate Agriculture Committee further this aim, as well. Thus, we ask you act favorable on SB 394.

If you have any questions regarding our testimony or position on this bill, please feel free to contact me at 785-220-4068.

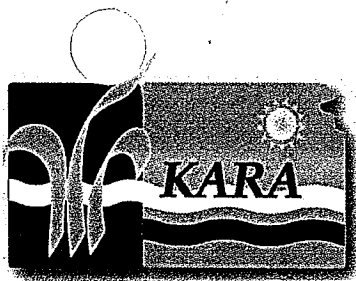
Thank you.

Ag & Natural Resources Committee

Date 3-9-10

Attachment 4

The Mission of the Kansas Cooperative Council is to promote, support and advance the interests and understanding of agricultural, utility, credit and consumer cooperatives and their members through legislation and regulatory efforts, education and public relations.



KANSAS AGRIBUSINESS RETAILERS ASSOCIATION

SAFE AND ABUNDANT FOOD THROUGH SOUND SCIENCE

House Agriculture and Natural Resources Committee

February 24, 2010

SB 394

Good afternoon Chairman Powell and members of the House Agriculture and Natural Resources Committee. I am Mary Jane Stankiewicz and I appear on behalf of the Kansas Agriculture Retailers Association (KARA) in favor of SB 394.

KARA is a voluntary state association made up of over 700 business locations across the state. Our members are primarily ag retail facilities but they include agronomy services, chemical, fertilizer and seed sales and manufacturing companies, and equipment manufacturing, distribution and sales companies. As you can see, our members use and need the manuals and information that this bill refers to.

We are supportive of this bill because we recognize the budget cuts that all agencies and institutions have had to take over the last few years, including the Kansas Department of Agriculture and Kansas State University. We believe this bill would lessen the requirement that KSU must do all of the work on these manuals and thus allow more flexibility for both KSU and KDA. In these times of budget shortfalls we appreciate the desire of KDA to look for ways to provide these educational manuals in a cost effective manner.

We anticipate that KSU will still be a main player in this area but we think it is only fair that instead of looking for them to do all of the work, we look for ways to provide the information in the most cost efficient way.

I appreciate the opportunity to appear before you this morning and will be happy to answer any questions at the appropriate time.