

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:30 a.m. on March 10, 2009 in Room 446-N of the Capitol.

All members were present except:
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:
Constantine Cotsoradis, Deputy Secretary, Kansas Department of Agriculture (KDA)
Leslie Kaufman, Executive Director, Kansas Cooperative Council (KCC)
Mary Jane Stankiewicz, Chief Operating Officer and Senior Vice President, Kansas Agribusiness Retailers Association (KARA)
Brad Harrelson, State Director, Governmental Relations, Kansas Farm Bureau (KFB)

Others attending:
See attached list.

Chairman Taddiken said that **SB 256 - Creating the pesticide safety education fee fund**, needs further work and the program is funded for another year.

He noted the Committee had received copies of the minutes for the February 17, 18, 24 and 25 meetings and would be acted on later.

Kristen Kellems, Revisor of Statutes Office, reviewed **HB 2121 - Amendments to department of agriculture fertilizer and pesticide programs, fixing fees, definitions**. She said this bill would enact modifications and additions to the statutes relating to pesticides and fertilizers. She also noted that some of the modifications would make permanent temporary fee limitations and others would increase those fee limitations. Ms. Kellems said in addition, some of the modifications would change substantive law in the regulation of pesticides and fertilizers.

Chairman Taddiken opened the hearing on **HB 2121**.

Constantine Cotsoradis, Deputy Secretary, Kansas Department of Agriculture (KDA) testified in support of **HB 2121 (Attachment 1)**. He said that perhaps the most important part of the bill would bring the industry out from under the Environmental Protection Agency (EPA) authority and place it under the State's authority. The EPA fines and enforcement actions are more severe than the KDA's; so this change would be beneficial to the pesticide industry in Kansas.

Mr. Cotsoradis also said that part of the bill would be a restructuring of fees for recertification and examinations to make them more equitable.

He said most of the other changes proposed in the bill are technical and would remove archaic language and provide clarity about the intent of the law

Mr. Cotsoradis requests **HB 2121** be amended to insert language that would extend the dairy fee sunset from 2010 to 2015 (**Attachment 2**). This insures the dairy inspection program is adequately funded so that it can continue to provide consumer protection in compliance with the pastuerized milk ordinance. Failure to comply with the requirements of the pastuerized milk ordinance will threaten a producers ability to ship their milk intrastate or interstate. He said the Kansas Dairy Association approves the proposed amendments. Mr. Cotsoradis offered to stand for questions.

Gary Meyer, Program Manager, Pesticide and Fertilizer Program, KDA, took questions.

CONTINUATION SHEET

Minutes of the Senate Agriculture Committee at 8:30 a.m. on March 10, 2009 in Room 446-N of the Capitol.

Leslie Kaufman, Executive Director, Kansas Cooperative Council (KCC) testified in support of **HB 2121** (Attachment 3). She said the KDA has tried to better match fees to the service provided under this proposal and has come close to revenue neutrality for in-state certifications. She said the KCC believes fee funds generated for a specific program must be used for the purpose collected. Ms. Kaufman said that a key factor in the bill is to have state level enforcement for the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). She said that her industry sees great benefit from being able to work with a regulator who knows and understands Kansas agriculture.

Ms. Kaufman offered to take questions.

Mary Jane Stankiewicz, Chief Operating Officer and Senior Vice President, Kansas Agribusiness Retailers Association (KARA), provided testimony in support of **HB 2121** (Attachment 4). She said the changes are prudent, especially the section that allows their industry to be regulated by the state as opposed by the EPA. She said members of the KARA support the minimal fee increase because it is critical to their industry to maintain a credible program.

Ms. Stankiewicz took questions.

Brad Harrelson, State Director, Governmental Relations, Kansas Farm Bureau (KFB) provided neutral testimony on **HB 2121** (Attachment 5). He said that the KFB opposed **HB 2121** as originally drafted. Mr. Harrelson said that the House amendments addressed many of KFB's concerns. He stated the bill no longer contains increased fees and extends the promise made to industry that fees would be reduced to 2002 levels in 2010 to 2014. He also stated that the Committee should leave intact the sunset provision and leave the fees at the current level.

There were no questions for Mr. Harrelson.

Chairman Taddiken closed the hearing on **HB 2121**.

Senator Francisco moved the adoption of the proposed amendments concerning dairy fees from the Department of Agriculture; seconded by Senator Barnett. Discussion on the motion was held. Motion carried.

Senator Barnett made a motion to a change on page 26, line 7, to add back the \$10 fee and change the date from 2010 to 2015 on line 9, and that **HB 2121** be passed as amended; seconded by Senator Ostmeyer. Motion carried. **HB 2121** passed as amended.

Senator Pyle moved approval of the minutes February 17, 18, 24 and 25 as written. Minutes of the February 28 committee were corrected on page 2, paragraph 15, in the motion made by Senator Lee to delete "the authority for the fee as", add "and" before "make" and add "all sections" after "make", motion seconded by Senator Huelskamp. Motion carried. Minutes of the February 17, 24 and 25 were approved as written, February 18 minutes were approved as corrected.

The next meeting is scheduled for March 17, 2009.

The meeting was adjourned at 9:10 a.m.