

MINUTES OF THE SENATE AGRICULTURE COMMITTEE.

The meeting was called to order by Chairperson Derek Schmidt at 8:30 a.m. on January 23, 2002 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department  
Gordon Self, Revisor of Statutes  
Betty Bomar, Secretary

Conferees appearing before the committee:  
Jill Shelley, Legislative Post Audit  
Greg Foley, Assistant Secretary of Agriculture  
Tom Tunnell, Kansas Grain and Feed Ass'n. & Kansas Agribusiness  
Retailers Ass'n.  
Claire Homitzky, Kansas Rural Center

Others attending: See attached list

Jill Shelley, Legislative Post Audit, presented the Performance Audit Report on the Department of Agriculture: A K-GOAL Audit of the Kansas Pesticide and Fertilizer Program. (A copy is on file in the office of Legislative Research)

Ms. Shelley stated Kansas Laws and Regulations regarding the sale and use of fertilizers and pesticides generally meet those in federal law or national standards. Sometime Kansas laws and regulations are tougher and sometimes they are weaker than the requirements of Iowa, Nebraska, and Oklahoma. Kansas is more stringent in several ways: it requires government agencies whose workers apply pesticides to register, mobile fertilizer tanks must meet the same construction requirements as non-mobile tanks, and violators of the State's chemigation laws must cease chemigation immediately. Kansas has weaker requirements for notifying the public when pesticides are applied and reporting fertilizer spills, and its requirements for inspecting chemigation equipment are significantly different. Kansas, like 2 of the other 3 states, doesn't have the authority to impose civil penalties for violations of fertilizer law.

The Audit recommends that **substitute for SB 255**, introduced during the 2001 legislative session, be considered to ensure that the Department of Agriculture has the enforcement tools it needs to help protect the public from fraud and the environment from contamination caused by equipment that doesn't meet requirements or is improperly maintained. The proposed legislation should be considered to impose civil penalties for violations of fertilizer law.

Greg Foley, Assistant Secretary of Agriculture, stated the Kansas Department of Agriculture (KDA) has recently reorganized its pesticide and fertilizer programs into one program. KDA is presently in the process of promulgating new rules and regulations for pesticides and bulk fertilizers. Rules and regulations for anhydrous ammonia have not, as yet, been promulgated. (Attachment 1)

Mr. Foley stated KDA strongly supports the recommendation that additional enforcement tools be enacted which would provide KDA with the authority to impose civil penalties for violations of fertilizer laws.

Tom Tunnell, Kansas Grain and Feed Ass'n. & Kansas Agribusiness Retailers Ass'n., stated the Associations' support in providing the KDA with the authority to impose civil penalties for violations of fertilizer laws.

The Chair advised the Committee that it would be working **SB 395** next week.

## CONTINUATION SHEET

Claire Homitzky, Kansas Rural Center, requested the Committee introduce a committee bill that supports participants in the Special Supplemental Nutrition Program for Women, Infants, and Children with vouchers to purchase fresh, nutritious, unprocessed produce at farmers' markets. The cost of the program would be \$30,000 which would be utilized for a federal match. (Attachment 2)

**Senator Corbin moved, seconded by Senator Huelskamp, that a bill conceptually endorsing the voucher program be introduced and referred back to committee for consideration. The voice vote was in favor of the motion.**

The meeting concluded at 9:15 a.m.

The next meeting is scheduled for January 29, 2002.