

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman John Faber at 3:30 P.M. on February 19, 2007, in Room 241-N of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Emalene Correll, Kansas Legislative Research Department
Jason Thompson, Revisor of Statutes
Florence Deeter, Committee Assistant

Conferees appearing before the committee:

Mike Beam, Kansas Livestock Association
Steve Swaffar, Kansas Farm Bureau
Keaton Kelso, Kansas Outfitters Association
Ken Corbet, Kansas Sport Hunting Association
Chris Tymeson, Kansas Department of Wildlife and Parks
Howard Rodenberg, Director of Health, Kansas Department of Health and Environment
Kent Crow, citizen
Duane Simpson, Vice-President of Government Affairs, Kansas Agribusiness Retailers Association
Constantine Cotsoradis, Deputy Secretary, Kansas Department of Agriculture
Leslie Kaufman, Kansas Cooperative Council

Others attending:

See attached list.

Staff Raney Gilliland briefed the Committee on **HB 2437**, saying the bill extends the sunset provision for four years, allowing landowners and tenants to transfer deer permits to nonresidents.

The Chairman opened the hearing on **HB 2437** - nonresident deer permits, extending the sunset provisions.

Mike Beam, Kansas Livestock Association (KLA), testified as a proponent (Attachment 1). He said many KLA members have supplemented their income by conducting hunting activities on their land, a venture that requires nonresident permits in order to be economically viable. He recommended that the sunset provision be extended until a more permanent system can be adopted and placed in statute.

Steve Swaffar, Director of Natural Resources, Kansas Farm Bureau, spoke in favor of the bill (Attachment 2). He stated that adequate deer herd management is necessary to prevent excessive crop and property damage, management to which this bill contributes. He noted that other legislation promoted by the Kansas Department of Wildlife and Parks (KDWP) may make it through the legislative process, but the uncertainty of its passage and uncertainty of its final provisions makes extension of the present law advisable.

Keaton Kelso, President, Kansas Outfitters Association, also spoke as a proponent, saying that the landowner-transferable deer permits are good for landowners and increase the revenues for KDWP (Attachment 3).

Ken Corbet, Kansas Sport Hunting Association, spoke in support of the bill, saying that the transferable tags (nonresident deer permits) are a farsighted economic boon for the state, especially for rural communities (Attachment 4). He commented that the KDWP bill introduced this session provides no guarantees for landowners that will enable them to grant access to nonresident hunters.

Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, testified in opposition to the bill, explaining that over the past 18 months a 10-member task force revised the deer management statutes and is proposing a simplified system and a different methodology of establishing nonresident deer permits, a proposal that does not include nonresident transferable permits; the exclusion of these permits came about because of overwhelming dissatisfaction with the present system. He cautioned that if **HB 2437** passes, there will be no impetus to improve the system (Attachment 5). Answering a question, he said he did not know what the outcome would be if **SB 266** and **HB 2437** both pass.

CONTINUATION SHEET

MINUTES OF THE House Agriculture and Natural Resources Committee at 3:30 P.M. on February 19, 2007, in Room 241-N of the Capitol.

The Chairman closed the hearing on **HB 2437** and opened the hearing on **HB 2438** - amending food service licensure exception for occasional sale or serving of food.

Mr. Gilliland, explaining **HB 2438**, said that the bill extends the exemption from license and inspection requirements for occasional food sales from seven days to ten days.

Kent Crow, a citizen who has sold kettle corn at Kansas State University events for six years, said a permit costs \$400 for the first year and \$200 for subsequent years. He said an extension of the permit to 10 days would benefit his business. Mr. Crow indicated the inequality of paying the same amount as businesses who operate within the state on a full time basis seems unreasonable.

Howard Rodenberg, Director of Health, Kansas Department of Health and Environment, testified in opposition to the bill, saying that of the 10,300 food service establishments in the state, 531 are mobile, preparing and serving food at local venues such as festivals, fairs, and sporting events (Attachment 6). He noted that although some events serve only a few hundred individuals, there are other events, such as Kansas State University or University of Kansas football games (7-8 home games), that put at risk over 400,000 individuals who are being served food by unlicensed vendors. He commented that one of the largest food-borne outbreaks in Kansas occurred in June 2006 among the 870 individuals who participated in the Bike Across Kansas, during which time 126 people were stricken and eight people were hospitalized. If the bill passes, the fiscal loss to the agency would be \$106,200, as well as the loss of two inspector positions and 1100 fewer inspections in restaurants. Dr. Rodenberg answered members' questions, concluding by saying that the agency is considering a sliding fee scale based on tax receipts or meals served.

The Chairman closed the hearing on **HB 2438** and opened the hearing on **HB 2487** - regulation of ammonium nitrate dealers.

Mr. Gilliland reviewed **HB 2487** for the Committee, commenting that the bill would require ammonium nitrate dealers to be registered with the Kansas Department of Agriculture (KDA), pay a fee, and protect the product from unauthorized access. He noted that custom blenders would be exempt from the requirements of the bill. He stated that dealers would be required to maintain identification of buyers for three years.

Duane Simpson, Vice-President of Government Affairs, Kansas Agribusiness Retailers Association, appeared before the Committee in support of the bill (Attachment 7). Calling the bill "preemptive legislation," he said that the proposed bill provides the kinds of restrictions that ammonium nitrate retailers have already adopted and offers proactive response to a potential problem.

Constantine Cotsoradis, Deputy Secretary, Kansas Department of Agriculture, testified in support of the bill, noting that, while ammonium nitrate is an excellent commercial fertilizer, it can also be used to create explosives (Attachment 8). He said the bill's record-keeping requirement raises some technical issues for the department, such as how the department will be expected to verify records. He also suggested a retailer be subject to criminal rather than civil penalties. He added that the original fiscal note (\$10,700) should be substantially less than the original estimate.

Leslie Kaufman, Executive Director, Kansas Cooperative Council, spoke as a proponent, stating that the bill will assist in assuring that this valuable agricultural product will continue to be commercially available and will mitigate the risks of potential misuse (Attachment 9). Answering questions, Ms. Kaufman said a dealer would have the option to refuse sale to an unknown person and would make misuse less likely.

The Chairman closed the hearing on **HB 2487**. The meeting was adjourned at 5:10 p.m. The next meeting is scheduled for Tuesday, February 20, 2007.