

MINUTES OF THE HOUSE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on March 17, 2004, in Room 423-S of the Capitol.

All members were present except:
Representative Sharon Schwartz- excused

Committee staff present:
Raney Gilliland, Legislative Research Department
Kay Scarlett, Committee Secretary

Others attending: See attached list.

The annual reports of the Kansas Wheat Commission, Kansas Corn Commission, Kansas Soybean Commission, and Kansas Grain Sorghum Commission were distributed. The grain commodity commissions are required by statute to report to the Senate and House Agriculture Committees on an annual basis. (Attachment 1)

Discussion and action on SB 524 - Updating references in department of agriculture statutes with respect to departmental duties

Raney Gilliland reviewed **SB 524** that would amend numerous sections of law dealing with the Kansas Department of Agriculture and the Secretary of Agriculture to strike references to the previous State Board of Agriculture. He reminded the committee that there were additional technical corrections that should be addressed in this legislation. Chairman Johnson opened the floor for discussion.

Representative Gatewood moved to adopt the additional technical amendments staff believes are necessary to clean up the language in the statutes dealing with the Kansas Department of Agriculture. The motion was seconded by Representative Compton. The motion carried.

Representative Feuerborn moved to recommend SB 524, as amended, favorable for passage. Seconded by Representative Minor, the motion passed.

Discussion on SB 326 - Licensure requirements for pesticide businesses

Raney Gilliland explained that **SB 326** would increase the amounts of financial responsibility required in statute for persons wishing to be granted a pesticide business license. Again, the committee was reminded that a technical amendment was needed on page 1, lines 17 and 18, as there is no subsection (b) in this section.

Representative Dahl moved to make the necessary technical correction on page 1, lines 17 and 18, of SB 326. Seconded by Representative Craft, the motion carried.

Chairman Johnson opened discussion on **SB 326**.

Representative Thimesch requested clarification of a "pesticide business licensee" and a "certified private pesticide applicator" and the services they may perform.

As no one in attendance could provide a complete answer, the Chairman delayed discussion on **SB 326** until Gary Meyer, Pesticide & Fertilizer Program Manager with the Kansas Department of Agriculture, arrived.

Discussion on Sub. SB 296 - Reorganizes department of agriculture

Raney Gilliland reviewed **Sub. SB 296** explaining that this legislation would enact provisions of law to follow Executive Reorganization Order 32. **ERO 32** proposes to transfer certain food safety programs from the Kansas Department of Health and Environment to the Kansas Department of Agriculture.

Representative Powell, seconded by Representative Thimesch, moved to adopt any technical amendments identified by staff as necessary in Sub. SB 296. The motion carried.

Representative Ostmeyer moved to strike all of Section 15 on page 7 of Sub. SB 296 concerning the direct

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appointment of the Secretary of Agriculture by the Governor. The motion was seconded by Representative Faber. The motion failed.

As Mr. Meyer had arrived, Chairman Johnson delayed discussion on **Sub. SB 296** and returned the committee's attention to **SB 326**.

Continued discussion on SB 326 - Licensure requirements for pesticide businesses

Gary Meyer, Pesticide & Fertilizer Program Manager with the Kansas Department of Agriculture, arrived to answer questions concerning pesticide business licensees and certified private pesticide applicators and the services they may perform. Any exchange of money for pesticide application services would require a business license. Application of pesticides on one's own land or rented land, trade of work or bartering where no money is involved could be performed under a certified private pesticide applicator's license for restricted chemicals.

Representative Dahl proposed delaying further discussion until the committee's revisor of statutes would be present. The Chairman concurred and discussion on **SB 326** will resume on Monday.

Continued discussion on Sub. SB 296 - Reorganizes department of agriculture

The Chairman reopened discussion on **Sub. SB 296**.

Representative Powell moved to amend Sub. SB 296 on page 4, line 13, to change the word "classified" to "unclassified." The motion was seconded by Representative Dahl. The motion failed.

Representative Freeborn moved to amend Sub. SB 296 New Section 7 on page 4, line 9, by adding the following language as suggested by Danielle Noe, Intergovernmental Relations Manager for Johnson County: "In exercising their respective authorities under K.S.A. 36-501 et seq., the secretary of agriculture and the secretary of health and environment shall apply consistent standards, policies, protocols and procedures in the licensing, inspection, and regulation of food service establishments, taking into account the relative risk posed by such establishments to public health and food safety." Seconded by Representative Miller, the motion carried.

Representative Freeborn moved to amend Sub. SB 296 New Section 13 on page 6, line 4, by inserting the following language as proposed by Danielle Noe, Intergovernmental Relations Manager for Johnson County: "The secretary of agriculture is hereby authorized and empowered to contract with the governing body of any county for the enforcement of all or any portion of the rules and regulations established under this act. Any county entering into a contract with the secretary to enforce such rules and regulations shall act as an agent of the secretary in carrying out such duties. Any inspection of any premises by officers, employees or agents of any such county, and any notice of noncompliance issued as a result of any such inspection, shall have the same force and effect as if such had been done by the secretary." The motion was seconded by Representative Gatewood. Secretary of Agriculture Adrian Polansky approved of the amendment. The motion carried.

Representative Thimesch moved to amend Sub. SB 296 to establish a mechanism for mediation for conflict resolution between state licensed small meat processing plants and the Kansas Department of Agriculture. The motion was seconded by Representative Faber.

Representative Light challenged the germaneness of the amendment. Chairman Johnson delayed discussion on **Sub. SB 296** and his ruling on the germaneness of the amendment until Monday when the balloon for the amendment would be ready for review.

Discussion and action on **Sub. SB 296** and **SB 326** will be continued on Monday, March 22, 2004.

The meeting adjourned at 4:40 p.m. The next meeting is scheduled for March 22, 2004.