

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 March 1, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Johnson - Excused
Representative Light - Excused
Representative Prescott - 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:

Mike Bodenhausen, Executive Director, Kansas Dairy Association
Constantine Cotsoradis, Deputy Secretary of Agriculture, Department of Agriculture
John Donley, Assistant General Counsel, Kansas Livestock Association
Jim Rankin, KAI-USA Ltd., and Kershaw Knives
Randol Walker, an individual
Kyle Smith, Legislative Chair, Kansas Peace Officers Association

Others attending:

See attached list.

Chairman Powell began the meeting with reappointment of the Subcommittee on **HB 2493**. Representative Fund will be the Chairman, and other members are Representatives Kerschen, Light, Maloney and Wetta.

Chairman Powell then opened the hearing on **SB 395** - Changes to dairy, milk and milk product statutes, requesting Raney Gilliland, Kansas Legislative Research Department, to give an explanation of the bill.

Mr. Gilliland stated this bill would make various amendments to provisions of the law administered by the Kansas Department of Agriculture, specifically those which regulate and inspect dairy, milk and milk products in the state of Kansas. This bill would add new definitions for the terms "bulk milk pick up tanker", "milk plant", "milk tank truck," "milk tank truck cleaning facility," "milk transport tank," and "milk transportation company", as well as add new requirements for license and inspection fees.

Hearing on SB 395:

PROPONENTS:

Mike Bodenhausen, Executive Director, Kansas Dairy Association, testified in favor of **SB 395** (Attachment 1), advising without an effective Dairy Inspection Program, it would not be possible to sell and ship Grade "A" milk across state lines, and since Kansas uses only about 20% of the milk that is produced within the state, it is a must that a program is maintained that meets or exceeds the requirements of the International Milk Shippers Agreement and Pasteurized Milk Ordinance (PMO). Mr. Bodenhausen further stated that while the Kansas Dairy Association supports the majority of this bill, they request the Committee to reconsider the new fee proposal of \$100 for the inspection tanker trucks and feel a \$25 per tanker truck fee would be fair which is in line with the fee for the same inspection if performed in Nebraska.

Constantine Cotsoradis, Deputy Secretary of Agriculture, Department of Agriculture (KDA), spoke in favor of **SB 395** (Attachment 2), stating the Dairy Inspection Program serves two main purposes; one, to provide consumer protection and confidence that milk is safe and wholesome; and two, to provide inspections as specified in the interstate milk shippers' agreement. Mr. Cotsoradis further advised KDA understands the reality of seeking a fee increase at this time, but without additional funds, the dairy inspection program likely will be unfunded in 2012 and the dairy industry then may not be able to ship their milk across state lines.

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CONTINUATION SHEET

Minutes of the House Agriculture and Natural Resources Committee at 3:30 p.m. on March 1, 2010, in Room 783 of the Docking State Office Building.

John Donley, Assistant General Counsel, Kansas Livestock Association (KLA), appeared as a proponent for **SB 395** (Attachment 3), stating last year, KLA opposed a House bill that would have increased the fees to fund the KDA's Dairy Program. KLA had two main concerns with the proposal; one, they felt the KDA could still find efficiencies within the program and a fee increase was not necessary, and two, the fee schedule proposed last year would have had a more direct impact on dairy producers in Kansas. Mr. Donley further explained that in order to become more efficient, the KDA has gone to a performance based inspection schedule as well as finding other internal efficiencies within the program. With regards to the second issue of the direct impact of the fee increase on dairy producers, KLA feels that the proposal in **SB 395** is more acceptable than last year's proposal because not as much of the burden to fund the Dairy Program will be placed on dairy producers.

George Blush, Dairy Commissioner, Kansas Department of Agriculture, also answered questions from members of the Committee, after which the hearing was closed on **SB 395**.

Chairman Powell then opened the hearing on **SB 497** - Excluding certain knives from the definition of a criminal weapon, requesting Raney Gilliland, Kansas Legislative Research Department, to give an explanation of the bill.

Mr. Gilliland explained **SB 497** amends a portion of Chapter 21 of the Criminal Statutes of the State of Kansas and specifically the definition of what the criminal use of weapons is knowingly, and would add clarifying language to existing law by explicitly exempting the lawful selling, manufacturing, purchasing, possessing, or carrying of certain pocket knives from prosecution under the criminal weapons use statutes.

Hearing on SB 497:

PROPONENTS:

Jim Rankin, KAI-USA Ltd., and Kershaw Knives, appeared as a proponent on **SB 497** (Attachment 4), testifying that the exception language in the bill is designed to be consistent with exceptions made in Texas and California law, as well as federal law. Mr. Rankin further introduced a proposal that introduces two new terms; detent, referring to that part of the knife mechanism which catches the knife blade open and keeps it closed, and bias, referring to the tendency of a switchblade to be "biased" toward open versus the tendency of an assisted opening knife blade to be biased toward closed. Mr. Rankin feels such terms direct the judiciary and law enforcement to a more specific and limiting descriptive provision for use when testing applicability of the proposed exception.

Randol Walker, an individual, spoke in favor of **SB 497** (Attachment 5), stating the design features of these knives have proven useful for cleaning fish, field-dressing game birds and deer as well as many other cutting chores involved with these pursuits. Mr. Walker further advised his observation of other farmers, fishermen and hunters indicates he is not alone nor unique in the use of this handy tool in day-to-day work.

OPPONENTS:

Kyle Smith, Legislative Chair, Kansas Peace Officers Association (KPOA), appeared in opposition of **SB 497** (Attachment 6), advising the KPOA is not opposed to the legal status of the knives that have been described, but to the unnecessary change in the statute proposed in the bill. Mr. Smith advised their gravest concern is with the changes to subsection (a)(2) which makes it clear these knives cannot be determined to be a "dangerous knife" under any circumstances. This language change will mean these knives will be exempt by statute from such findings regardless of how the knife is used or intended to be used.

Written Testimony:

Marc Goodman, Lyon County Attorney, Kansas County and District Attorneys Association Board Member (Attachment 7).

After questions were asked by members of the Committee, the hearing was closed on **SB 497**.

The next meeting is scheduled for March 2, 2010.

The meeting was adjourned at 4:55 p.m.