

## MINUTES OF THE HOUSE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on February 21, 2005, in Room 423-S of the Capitol.

All members were present except:

Representative Joann Freeborn- excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department

Amy VanHouse, Kansas Legislative Research Department

Gordon Self, Revisor of Statutes Office

Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Dale Lambley, Special Assistant to the Secretary, Kansas Department of Agriculture

Duane Simpson, Director of Government Relations, Kansas Agribusiness Retailers Association

Leslie Kaufman, Governmental Relations Director, Kansas Cooperative Council

Chris Wilson, Kansas Agricultural Aviation Association, Kansas Dairy Association, and Kansas Seed Industry Association

Others attending:

See attached list.

Chairman Johnson welcomed Representative Harold Lane to the House Agriculture Committee. He is taking Representative Showalter's place on the committee until she is able to return.

### **Hearing and action on HB 2341 - Uniformity and jurisdiction of Kansas fertilizer law**

Chairman Johnson opened the hearing on **HB 2341**. Raney Gilliland explained that this bill would amend the Kansas Fertilizer Law creating uniformity by insisting that jurisdictions conform to the proposed law. Current statutes allow local jurisdictions to have different regulations than the Kansas Department of Agriculture. Passage of **HB 2341** would prevent local jurisdictions from passing any ordinance, rule, or regulation that is in conflict with the Kansas Fertilizer Law.

Dale Lambley, Special Assistant to the Secretary, Kansas Department of Agriculture, testified in support of **HB 2341**. He stated that this legislation will ensure that fertilizer laws, rules and regulations are uniform throughout Kansas. Consistent, uniform laws and regulations are essential to effective regulation and compliance by industry. (Attachment 1)

Duane Simpson, Director of Government Relations, Kansas Agribusiness Retailers Association, appeared in support of **HB 2341**, introduced at the association's request. He explained that this legislation was modeled after the uniform statewide pesticide law. He reported that, currently, no city or county in Kansas has attempted to regulate or ban fertilizer. Unfortunately, cities and counties in other states are beginning to attempt to regulate fertilizer at the local level. He, specifically, mentioned problems in Madison, Wisconsin. He explained that this bill was a proactive approach to establish uniformity before problems should arise in Kansas. (Attachment 2)

Leslie Kaufman, Governmental Relations Director, Kansas Cooperative Council, testified in support of **HB 2341** to place regulation of fertilizer in the hands of the state, thus allowing for uniformity across Kansas. She stated that regulation of agricultural chemicals and fertilizers should be based on sound scientific principles and applied evenly to dealers, handlers, and end-users. KCC supports efforts to ensure that current regulations for storing, handling, and applying bulk fertilizers and agricultural chemicals are uniformly enforced. (Attachment 3)

Chris Wilson on behalf of the Kansas Agricultural Aviation Association, Kansas Dairy Association, and Kansas Seed Industry Association appeared in support of **HB 2341** to provide for uniform state regulation of fertilizer in Kansas. She noted that this is currently the case, but it is not spelled out in law. **HB 2341** establishes that fertilizer regulation is the state's role and not that of local governments. (Attachment 4)

## CONTINUATION SHEET

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There being no other conferees, Chairman Johnson closed the hearing on **HB 2341** and opened the floor for discussion.

Representative Gatewood offered a conceptual amendment to **HB 2341** to make the language uniform with the state pesticide law; to cite example of uniformity in the statute such as in the areas of storage and transportation; further, to amend the bill to provide that nothing in the bill would be construed to preempt or otherwise limit the authority of any city, county, or political subdivision to adopt and enforce zoning regulation, fire codes, or hazardous waste disposal restrictions. Seconded by Representative Light, the motion carried.

Representative Faber moved to recommend **HB 2341**, as amended, favorable for passage. Seconded by Representative Miller, the motion carried.

### **Discussion and Action on HB 2054 - Kansas pet animal act, definitions, rules and regulations, fees**

Chairman Johnson opened the floor for discussion on **HB 2054**. Raney Gilliland explained that this bill to amend the Kansas Pet Animal Act would change the current definition of "animal" to include horses, cattle, sheep, goats, swine, ratites, domesticated deer or domesticated fowl when a state licensed animal pound or shelter is involved; would no longer exempt USDA licensed animal breeders or distributors from providing adequate veterinary care; would increase the cap on fees by 50 percent; pet shops would no longer be able to pay a reduced fee if they are USDA licensed; would eliminate the grace period for late fees and the late fee would be increased from \$50 to \$75; and would require all licensees to pay for each license under which they operate.

Representative Larkin moved to amend **HB 2054** on page 5, lines 9 - 29. His amendment would increase the maximum fee amounts, except that the commissioner shall not fix such license and permit fees in an amount which results in an increase in receipts or revenue from the previous fiscal year which exceeds \$80,000. The amendment would require the commissioner to establish categories of licenses and permits based upon the type of license or permit, size of the licensed or permitted business or activity and the premises where such business or activity is conducted, with different fees for each such category. (Attachment 5) Seconded by Representative Svaty, the motion carried.

Representative Powell moved to amend **HB 2054** on page 1 by striking the new language in lines 31 and 32: "except when such animal is being housed at a state licensed animal pound or shelter." Seconded by Representative Dahl, the motion carried.

Representative Gatewood moved to amend **HB 2054** on page 4 by striking lines 1 - 3, and inserting new language: "As used in the Kansas pet animal act, 'adequate veterinary medical care' shall not apply to United States department of agriculture licensed animal breeders or animal distributors, except that the commissioner or licensed veterinarian may assure that such animal breeders or animal distributors have a documented program of adequate veterinary medical care. The commissioner or licensed veterinarian shall not require changes in such documented program." (Attachment 6) Seconded by Representative Svaty, the motion carried.

Representative Feuerborn moved to recommend **HB 2054**, as amended, favorable for passage. The motion was seconded by Representative Svaty. The motion carried.

### **Discussion and Action on HB 2103 - Standards and requirements of commercial weighing and measuring devices**

Chairman Johnson opened the floor for discussion on **HB 2103**. Raney Gilliland explained that this bill would remove the sunset date of August 31, 2005, and make permanent the temporary exemption for vehicle scales used solely for the purpose of weighing aggregate products from meeting the national and state compliance regulations.

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Representative Powell moved to amend **HB 2103** on page 1, lines 27 - 29. The amendment would exempt those vehicle scales manufactured prior to 1994 and used solely for the purpose of weighing aggregate products where volumes average less than 100,000 tons per year. These scales would continue to be required to have a minimum tolerance of +/- 100 pounds. (Attachment 7) Seconded by Representative Svaty, the motion carried.

Representative Larkin moved to recommend **HB 2103**, as amended, favorable for passage. Seconded by Representative Lane, the motion carried.

**Discussion and Action on HB 2280 - Sampling, civil penalties for violations of law and increased fees for grain warehouses**

Chairman Johnson opened the floor for discussion on **HB 2280**. Raney Gilliland explained that this bill would authorize quality sampling of grain; provide for a civil penalty for violations of law; and increase the statutory maximum for annual licensing fees charged by the Grain Warehouse Program.

Representative Powell moved to amend **HB 2280** by striking Sections 2, 3 and 4; retaining only the first section concerning quality sampling of grain. (Attachment 8) Seconded by Representative Carlson, the motion carried.

Representative Powell moved to recommend **HB 2280**, as amended, favorable for passage. Seconded by Representative Williams, the motion carried.

The meeting adjourned at 4:30 p.m. The next meeting is scheduled for March 2, 2005.