

Approved: 03/29/12
Date

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 7:30 a.m. on March 13, 2012, in Room 159-S of the Capitol.

All members were present.

Committee staff present:

David Wiese, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Heather O'Hara, Kansas Legislative Research Department
Abigail Boudewyns, Kansas Legislative Research Department
Judy Seitz, Committee Assistant

Conferees appearing before the Committee:

Randy Stookey, General Counsel, Kansas Grain & Feed Association and Kansas Agribusiness Retailers Association
Aaron Popelka, Vice President Legal & Governmental Affairs, Kansas Livestock Association (KLA)
Jackie McClaskey, Assistant Secretary of Agriculture, Kansas Department of Agriculture ((KDA)
Erik Wisner, Regulatory & Policy Special Assistant, Kansas Department of Agriculture (KDA)
Julie Hein, on behalf of Kansas Restaurant and Hospitality Association (KRHA)
Lane Letourneau, Water Appropriations Program Manager, Division of Water Resources, Kansas Department of Agriculture (KDA)
Representative Vince Wetta, 80th District
Terry Koch, Mayor, Clyde, Kansas

Chairman Taddiken noted the Committee had minutes for February 14, 15, 21 and 22 which will be acted on later.

Chairman Taddiken opened the hearing on **HB 2503 – Amending the membership and responsibilities for certain agricultural boards and advisory bodies.**

David Wiese, Office of the Revisor of Statutes, reviewed **HB 2503.**

Randy Stookey, General Counsel, Kansas Grain & Feed Association and Kansas Agribusiness Retailers Association, testified in support of **HB 2503.** (Attachment 1) He said members of the Kansas Agricultural Remediation Board (KARB) are currently appointed by the Governor and confirmed by the Senate following a KBI background check. He said the KARB manages the agricultural remediation fund program which is entirely funded by fees paid by members of the associations. Mr. Stookey also said that the background checks are unnecessarily burdensome and that interviews with family members

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and friends are personally invasive. Mr. Stookey took questions from the Committee.

Aaron Popelka, Vice President Legal & Governmental Affairs, Kansas Livestock Association (KLA), spoke in favor of **HB 2503**. (Attachment 2) He said the Dairy Marketing Advisory Board should be repealed because it no longer serves a meaningful purpose. He noted that most of the United States is governed by federal milk marketing orders set up on a regional basis. Mr. Popelka took questions from the Committee.

Jackie McClaskey, Assistant Secretary of Agriculture, Kansas Department of Agriculture ((KDA), testified a proponent of **HB 2503**. (Attachment 3) She said the bill would allow the Grape and Wine Industry Advisory Council to be in existence until June 30, 2016. She also said the Agriculture Products Development Advisory Board is not now currently functioning, but the KDA would like to have a functioning advisory board to advise the agricultural marketing program. Ms. McClaskey stood for questions.

Written Testimony in support of HB 2503:

Phillip Bradley, Kansas Viticulture & Farm Winery Association (Attachment 4)

Chairman Taddiken closed the hearing on **HB 2503**.

The hearing on **HB 2730 – Amending the provisions of acts pertaining to food safety and lodging establishments** was opened.

David Wiese reviewed **HB 2730**. Mr. Weise took questions from the Committee.

Erik Wisner, Regulatory & Policy Special Assistant, Kansas Department of Agriculture (KDA), offered testimony in support of **HB 2730**. (Attachment 5) He related the changes that this bill would make to update and clarify the Kansas Food Drug and Cosmetic Act. He said this bill would also make changes to the license structure to assess fees based on KDA's regulatory work and to clarify businesses exempt from licensure. Mr. Wisner took questions from the Committee. Rick Scheufler, Staff Attorney, KDA, also answered questions.

Julie Hein gave neutral testimony on behalf of the Kansas Restaurant and Hospitality Association (KRHA) on **HB 2730**. (Attachment 6) She said that KDA had approached the KRHA with their desire to restructure the fees and have been engaged in productive discussions during that time. Ms. Hein discussed the possibility of offering food safety training in lieu of fines. She took questions.

Hearing was closed on **HB 2730**.

Chairman Taddiken opened the hearing on **HB 2563 – Wheat festival, Wellington, Kansas; official state wheat festival**.

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Representative Vince Wetta, 80th District, testified in support of **HB 2563** stating that Wellington, Kansas has held a Wheat Festival since 1900. (Attachment 7) He said there is an Agriculture and Energy luncheon during the festival.

Terry Koch, Mayor, Clyde, Kansas spoke in support of **HB 2563**. (Attachment 8) He said that Clyde has held an annual watermelon festival since 1879 and requests that an amendment be made to designate the annual watermelon festival as the official Kansas watermelon festival. Copies of the amendment were distributed. (Attachment 9)

The hearing was closed on **HB 2563**.

Senator Teichman made a motion to adopt the amendment to **HB 2563**; seconded by Senator Francisco. Motion passed.

Senator Teichman moved that **HB 2563** be passed as amended; seconded by Senator Abrams. Motion carried.

Chairman Taddiken opened the hearing on **HB 2596 – Repeal of 2011 Supp. 74-509 concerning the duties of the irrigation commission.**

Lane Letourneau, Water Appropriations Program Manager, Division of Water Resources, KDA, appeared in support of **HB 2596**. (Attachment 10) He said the KDA supports repealing this statute because it is obsolete and none of the duties referenced in the statute are being conducted anymore and are unnecessary with the water right system in place and data collection currently available. Mr. Letourneau stood for questions. This bill will be used for **SB 414 – Agriculture; amendments to animal health statutes.** Angie Stallbaumer, Staff Attorney, KDA,

The proposed amendments to **SB 414** (Attachment 11) on pages 7 – 28 were discussed. Senator King made a motion to adopt the changes on pages 7 - 28; seconded by Senator Schmidt. Motion passed.

Representative Moxley submitted an amendment to **SB 414** (Attachment 12). Gary Guccione, Director, National Greyhound Association and Dr. William Brown, KDA, answered questions regarding the proposed amendment.

Senator Teichman made a motion to adopt the Moxley amendment; seconded by Senator King. Motion carried.

Senator Francisco made a motion to amend **HB 414** with changes on page 19, lines 23-28 (Attachment 13). Jackie McClaskey, KDA, spoke on the proposed amendment. The motion was seconded by Senator Abrams. Motion carried.

Senator Abrams moved to change the word “premises” to “premise”; seconded by Senator Pyle. Motion passed.

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Senator Francisco made a motion to add language regarding a memorandum of understanding; seconded by Senator Abrams. Discussion was held on the motion. Senator Francisco had a friendly amendment which was agreeable with the second by Senator Abrams. Motion passed.

Another technical amendment was distributed. (Attachment 14) Senator Teichman made a motion to adopt the proposed amendments. Motion was seconded by Senator Schmidt. Motion passed.

Senator Morris made a motion to remove the language from **HB 2596** and insert the language from **SB 414**; seconded by Senator Teichman. Motion carried.

Senator King made a motion to pass **Senate Substitute for HB 2596** out of Committee; seconded by Senator Teichman. Motion carried.

Senator Teichman noted that on page 2 of the minutes for February 21 the word "on" appears twice. She then made a motion to accept the corrected minutes of February 21 and the minutes of February 14, 15, and 22, as written, be approved. Motion seconded by Senator Francisco. Motion passed.

The next meeting is scheduled for March 14, 2012. The meeting was adjourned at 9:30 a.m.