

MINUTES OF THE SENATE AGRICULTURE COMMITTEE.

The meeting was called to order by Chairperson Derek Schmidt at 8:30 a.m. on January 29, 2002 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Gordon Self, Revisor of Statutes
 Betty Bomar, Secretary

Conferees appearing before the committee:

Jamie Clover Adams, Secretary, Kansas Department of Agriculture
Greg Foley, Assistant Secretary, Kansas Department of Agriculture
Rebecca Reed, Special Assistant to the Secretary, Kansas Department of Agriculture
Frances Kastner, Kansas Food Dealers Association
Jim Herynk, Kansas Landscape and Nursery Association

Others attending: See attached list

SB 395 - State of emergency disaster and unlawful acts involving contagious or infectious diseases of plants or animals

Gordon Self, Revisor of Statutes, distributed a balloon setting forth amendments. (Attachment 1) The amendment strikes existing "New Section 1" in its entirety, inserts a new section relating to endangering the food supply and enlarges the definition.. Section 2, sets out a criminal penalty for endangering the food supply, and repeals KSA 2001 Supp. 47-623.

Senator Umbarger moved, seconded by Senator Lee, that SB 395 be amended by incorporating the amendments contained in the above referenced balloon, conceptually incorporate the list of diseases presently set out in rules and regulations, and incorporates FDA definitions. A voice vote was in favor of the motion.

Senator Corbin moved, seconded by Senator Umbarger that SB 395 be recommended favorable for passage as amended. The vote was in favor of the motion.

The Committee commenced its hearing on:

SB 435 - Repealing regulation of livestock remedies

SB 436 - Fees and inspection of dams, levees and other water obstructions

SB 437 - Regulation of plant pests, plants and plant products and plant dealers and certain agriculture commodities

SB 438 - Powers, duties and responsibilities of secretary of agriculture related to fees and penalties

Jamie Clover Adams, Secretary, Kansas Department of Agriculture (KDA), stated the Department is proposing these four bills which creates new fees and increases some existing fees, while others remain at current levels. The feed inspection fee will be reduced and KDA proposes to repeal three existing statutes.

Ms. Adams stated that in reviewing the agency's budget history and analyzing future budgets, she concluded that KDA would erode to the point of irrelevancy if new revenue is not found. KDA faces a significant general fund shortfall for fiscal year 2003, and the Division of the Budget projects significant general fund needs in fiscal years 2004 and 2005. This package of bills is intended to ensure that KDA retains its regulatory credibility and the Secretary remains a viable voice for Kansas agriculture. (Attachment 2)

_____ Ms. Adams submitted an overview of KDA operations since it became a cabinet level agency to the present time: agricultural marketing was transferred to Department of Commerce & Housing; the

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Weights and Measures program was overhauled; the fuel pump inspection program was transferred to KDA; KDA established a computerization and a database; acquired the Grain Warehouse Examination program; disbanded the official seed laboratory, trained grain warehouse examiners; overhauled the Meat and Poultry Inspection program; revamped the water appropriation decision making process; conducted peer review of the Plant Protection and Weed Control program; promulgated rules and regulation; privatized grain commodity commissions; and performed a Water Appropriations Program Fail Mode Effects Analysis. The Department further advocated extensively on behalf of agriculture: in protecting and expanding its markets; promulgating reasonable, customer-friendly laws and regulations; ensuring availability of pesticides and other innovative pest management practices; protecting the state's natural resources, improving water quality, enhancing food safety; protecting agricultural producers from Karnal bunt; and sponsored renewable energy to benefit farmers and ranchers

Frances Kastner, Kansas Food Dealers Association, stated the initiation of fees on services are funded with tax dollars. The Kansas Food Dealers are willing to pay their fare share to ensure that their customers are receiving accurate weights. The members do not want to see their customers put at a greater disadvantage than is absolutely necessary. All citizens must assume their fair share of the economic conditions of the state. ([Attachment 3](#))

Jim Herynk, Kansas Landscape and Nursery Association submitted testimony regarding **SB 437**. The Association requests the following amendments:

1. Change the term "nursery stock" to "live plant materials";
2. Fee for live plant dealers with more than \$10,000 in retail sales
3. Fee adjustments for plant spections.

The association does support a \$30 per hour fee for live plant inspections. ([Attachment 4](#))

Rebecca Reed, Special Assistant to the Secretary of Agriculture, appeared in support of **SB 435** that repeals regulation of livestock remedies law. ([Attachment 5](#))

Greg Foley, Assistant Secretary of Agriculture, appeared in support of **SB 436**, that establishes fees and inspection of dams, levees and other water obstructions. ([Attachment 6](#))

_____Mr. Foley stated **SB 436** provides KDA with the authority to prioritize and refocus the greatest risk components, to create an incentive to comply with current statutes, to address problems during the planning stage instead of dealing with problems that occur after the construction of an unreviewed and unpermitted structure, and to ensure that dams that potentially threaten life and/or property receive periodic safety inspections. New fees will provide additional staff to process applications in a timely manner, to review inspection reports and/or inspect high- and significant-hazard dams, particularly those that have been declared unsafe by the chief engineer.

The meeting concluded at 9:30 a.m.

The next meeting is scheduled for January 30, 2002