

## MINUTES OF THE HOUSE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on February 7, 2005, in Room 423-S of the Capitol.

All members were present except:

Representative John Faber- 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:

George Teagarden, Livestock Commissioner, Kansas Animal Health Department  
Adrian Polansky, Secretary, Kansas Department of Agriculture  
Mike Beam, Senior Vice President, Kansas Livestock Association  
Brad Harrelson, State Policy Director, Governmental Relations, Kansas Farm Bureau  
Doran Junek, Executive Director, Kansas Cattlemen's Association  
Donn Teske, President, Kansas Farmers Union  
Woody Moses, Managing Director, Kansas Aggregate Producers Association  
Constantine Cotsoradis, Assistant Secretary, Kansas Department of Agriculture  
Mary Jane Stankiewicz, Administrator, Kansas Agricultural Remediation Board

Others attending:

See attached list.

Minutes of the January 31 and February 2 and 3 meetings were distributed. Members were asked to notify the committee secretary of any corrections or additions prior to Friday, February 11, or the minutes will be considered approved as presented.

### **Hearing on HB 2053 - Premises registration and animal identification and tracking system**

Chairman Johnson opened the hearing on **HB 2053**. Raney Gilliland explained that this bill would remove the sunset date of May 15, 2005, for the Livestock Commissioner to develop and implement an Animal Identification and Tracking System. The bill also includes technical adjustments: to add tribal officials to the list of industry and governmental representatives; to make the program voluntary; to adopt rules and regulations in a uniform method; and to require the Commissioner to report to the 2006 Legislature on the status of the program.

George Teagarden, Livestock Commissioner, Kansas Animal Health Department, appeared in support of **HB 2053** introduced at his request. He explained that this legislation will allow KAHD to go forward, not only with premises registration, but with voluntary animal identification as the National Animal Identification and Tracking System progresses and develops. (Attachment 1)

Adrian Polansky, Secretary, Kansas Department of Agriculture, appeared in support of **HB 2053**. He reported that he and Governor Sebelius have been working with stakeholders to resolve issues recently faced by the beef industry. Agreement was reached on two points related to the Kansas Animal Health Department: funding and removal of the sunset clause for a Kansas premises identification program. (Attachment 2)

Mike Beam, Senior Vice President, Kansas Livestock Association, testified in support of **HB 2053** to repeal the May 15, 2005, sunset date. By removing this expiration date, the legislature will continue to allow the state to participate in a pending federal/multi-state pilot program and renew the confidentiality provision for records and data collected by KAHD. The Kansas Livestock Association believes the state of Kansas should continue to develop a voluntary individual animal identification program and prepare the state and Kansas producers for a nation-wide implemented program. (Attachment 3)

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Brad Harrelson, State Policy Director, Governmental Relations, Kansas Farm Bureau, appeared in support of **HB 2053** and the development and implementation of a National livestock identification program. KFB members are concerned about the cost to producers and their ability to comply with the program, as well as confidentiality of the information provided. KFB believes costs should be balanced and shared among all others who ultimately benefit; the public good should be considered when determining who pays the bill. (Attachment 4)

Doran Junek, Executive Director, Kansas Cattlemen's Association, appeared in qualified support of **HB 2053** and urged the state to proceed with caution and allow plenty of time to evaluate all the proposed systems in the pilot phase of the National animal identification system. (Attachment 5)

Donn Teske, President, Kansas Farmers Union, testified in support of **HB 2053** and a National animal identification system. He expressed concern about data confidentiality and the expense of the animal identification system to the producer. (Attachment 6)

There being no other conferees, the hearing on **HB 2053** was closed.

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

Chairman Johnson opened the hearing on **HB 2103**. Raney Gilliland explained that **HB 2103** would make permanent the temporary exemption passed in 2001, and extended in 2003, for vehicle scales used solely for the purpose of weighing aggregate products from meeting the national and state compliance regulations. The temporary exemption is set to expire on August 31, 2005.

Woody Moses, Managing Director, Kansas Aggregate Producers Association, appeared in support of **HB 2103** introduced at the association's request. He reported that the Kansas Aggregate Producers Association has pursued this issue with the National Conference of Weights and Measures at the urging of the Kansas Division of Weights and Measures making presentations at two different conferences. NCWM would not consider the economic merit of the association's argument. He felt that passage of the temporary variance has been beneficial to Kansas consumers and has not resulted in any unintended consequences during the four years it has been in effect. He urged the committee to pass **HB 2103** and make this exemption permanent. (Attachment 7)

Constantine Cotsoradis, Assistant Secretary, Kansas Department of Agriculture, testified in opposition to **HB 2103** and discussed the impact this bill would have on the Department of Agriculture and Kansas businesses. He stressed that uniformity is a statutory mandate of the weights and measures program. In 2001, and again in 2003, it was agreed that the industry would comply with existing tolerances, without any special consideration or further extensions, if the proposal failed at the national level. He explained that in 2003 the National Conference on Weights and Measures specification and tolerances committee withdrew the issue because they found that it had "no technical merit" and "tolerances should not be modified to accommodate equipment that is not able to maintain NIST Handbook 44 tolerances and other technical requirements."

Mr. Cotsoradis said the Kansas Department of Agriculture opposes this bill because it provides unwarranted special consideration for one segment of industry. Granting exceptions to one segment of industry contradicts their statutory mandate to be uniform with other states and makes them vulnerable to other exceptions. The Department believes that granting this exception will harm the weights and measures program and reverse some of the progress that has been made in the last nine years. (Attachment 8)

There being no other conferees, the Chairman closed the hearing on **HB 2103**.

### **Hearing on SB 16 - Kansas agricultural remediation board; terms of members**

Chairman Johnson opened the hearing on **SB 16**. Raney Gilliland explained that this bill would amend the Agricultural and Specialty Chemical Remediation Act to set March 15 as the expiration date of the terms of members of the Kansas Agricultural Remediation Board. Under current law, terms of members of the Board expire on June 30. This bill was introduced by the Senate Confirmation Oversight Committee. The bill

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would provide for expiration of terms during the legislative session rather than at a time when the legislature is not in session and also conform expiration dates of this board with terms of other boards.

Mary Jane Stankiewicz, Administrator, Kansas Agricultural Remediation Board, appeared in support of **SB 16**. She explained that the Remediation Board, established in 2000, is composed of 5 appointed members that represent various segments of the grain and chemical industry. The statute does not specifically address the expiration date so members have been appointed with an expiration date of June 30. The Board recognizes that it would be more convenient for the terms to expire during the legislative session so that legislators would be readily available for the confirmation process. (Attachment 9)

There being only one conferee, the hearing on **SB 16** was closed.

The meeting adjourned at 5:15 p.m. The next meeting is scheduled for February 9, 2005.