

MINUTES OF THE HOUSE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on January 28, 2004, in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Legislative Research Department
Gordon Self, Revisor of Statutes Office
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Leslie Kaufman, Director, Governmental Relations, Kansas Cooperative Council
Brad Harrelson, Associate State Director, Governmental Relations, Kansas Farm Bureau
Todd Johnson, Governmental Affairs Staff, Kansas Livestock Association/President, Kansas Agricultural Alliance
Representative Tom Sloan (written only)
Bob Rhoton, Lawrence Chamber of Commerce AgriBusiness Network
Kermit Kalb, Douglas County
Janine Joslin, President, Board of Directors, Kansas Preservation Alliance, Inc. (written only)

Others attending:

See attached list.

There were no requests for introduction of committee bills.

Hearing on HB 2530 - Removal of officers of cooperative agricultural marketing association by board of directors.

Chairman Johnson opened the hearing on **HB 2530**, and noted that the bill would have no fiscal effect. Raney Gilliland explained that the first changes in the bill were technical in nature; lines 26 through 31 provide for the removal and replacement of officers by board of directors of agriculture cooperative marketing associations. He suggested that the committee might want to consider defining "majority" as a majority of those present or a majority of the total board.

Leslie Kaufman, Director, Governmental Relations, Kansas Cooperative Council, appeared in support of **HB 2530** requested by the Council and Kansas Farm Bureau. She explained that under the current statute, the board of directors for an entity organized under the state Cooperative Marketing Act elects officers from within the board (secretary and treasurer can be non-board members). She reported that the statutes had been interpreted to mean that the board, which initially elects officers, could remove and replace an officer. The court did not concur with this interpretation. This legislation will align the statute with what was assumed for many years to be a valid interpretation. The bill will not alter the current method of removing an officer from the board. She expressed concern with some of the language in the bill. She proposed to reinsert "from their number" on line 15; and to clarify that a majority means a majority of a quorum. (Attachment 1)

Brad Harrelson, Associate State Director, Governmental Relations, Kansas Farm Bureau, concurred with the testimony offered by the Kansas Cooperative Council in support of the targeted amendment in **HB 2530**. He noted that boards of directors of virtually all other organizational structures have the capacity to remove an officer. As such, they believe it is appropriate that entities organized under the Cooperative Marketing Act, who share many of the same responsibilities and duties, have that same ability. Kansas Farm Bureau and all 105 county Farm Bureau Associations are organized under this act. (Attachment 2)

Todd Johnson, President of the Kansas Agricultural Alliance, a group of nineteen organizations representing agricultural, agribusiness, and rural interests, appeared in support of **HB 2530**. As a point of information, he stated that the Alliance only takes positions on specific legislation when its members are unanimous in their support of or opposition to a bill. He reported that many of their member organizations are structured under the Cooperative Marketing Act. He felt the two suggested amendments by the Kansas Cooperative Council conferee were friendly amendments and would be supported by the Alliance. (Attachment 3)

There being no other conferees, the hearing on **HB 2530** was closed.

CONTINUATION SHEET

MINUTES OF THE HOUSE AGRICULTURE COMMITTEE at 3:30 p.m. on January 28, 2004, in Room 423-S of the Capitol.

Hearing on HB 2531 - Historical preservation; consideration of established agricultural use of land required.

Chairman Johnson opened the hearing on **HB 2531**. It was noted that there was a fiscal note expenditure on the bill of \$2,080. Raney Gilliland explained that this legislation would prohibit any rule or regulation that would hinder or restrict the use of any agricultural land that is located within the environs of a historic property. Land used for agricultural purposes which is located within 500 feet of a historic property shall be deemed to be located within the environs of such historic property. A public notification requirement is included in the bill.

Representative Tom Sloan, sponsor of the bill, submitted written testimony in support of **HB 2531**. He notes that this legislation proposes that urban and rural environs be equal—500 feet, and that within the 500-foot environs, statutorily defined and accepted agricultural practices are acceptable. He reported that early drafts of the bill were shared with agricultural practitioners and preservationists, with suggestions from both being incorporated in the current version. ([Attachment 4](#))

Brad Harrelson, Associate State Director, Governmental Relations, Kansas Farm Bureau, testified in support of **HB 2531**. He reported that Kansas Farm Bureau has been actively engaged in discussions throughout the development of the bill and supports its intent. KFB also is supportive of an amendment to the original language striking "...located in an unincorporated portion of a county" that may be offered. As written, this language may have unintended consequences, and limit land use such as agriculture production in "incorporated" portions of a county. ([Attachment 5](#))

Todd Johnson, Governmental Affairs Staff, Kansas Livestock Association, appeared in support of **HB 2531** clarifying how agricultural land and farming practices fit into the historic preservation act. KLA requested amending the bill to strike the words "an unincorporated portion of" on page 2, line 38. He reported that the authoring legislator has agreed to the amendment and does not consider it to change the intent of the legislation. He noted that, currently, land used for agricultural purposes is not defined by its location, and that any reference as such could confuse other issues. ([Attachment 6](#))

Bob Rhoton, Lawrence Chamber of Commerce AgriBusiness Network, testified in support of **HB 2531**. He believes the bill protects a farmer's ability to continue to operate a farm without further limiting or placing added restrictions and expenses to produce an income from their land. He feels that reducing the environs rule to 500 feet will reduce the workload of the State Historical Preservationist in reviewing requests, saving them time and money. ([Attachment 7](#))

Kermit Kalb, a Douglas County landowner living next to the historical Black Jack Battlefield and Santa Fe Trail ruts, spoke in support of the changes that **HB 2531** would bring in regard to the environs law concerning historic sites. He respects the preservation of this historic site; however, he feels that the current environs laws infringe on his rights as a property owner. ([Attachment 8](#))

Janine Joslin, President, Board of Directors, Kansas Preservation Alliance, Inc., submitted written testimony thanking those involved for their efforts in working with preservationists throughout Kansas in considering the environs issue of the Kansas Historic Preservation Statute. ([Attachment 9](#))

Mary R. Allman-Koernig, Executive Director, Kansas State Historical Society, and Christy Davis, Assistant Director of the Cultural Resources Division, responded to committee questions. The Kansas State Historical Society has no objection to the bill.

There being no other conferees, the Chairman closed the hearing on **HB 2531**.

The meeting adjourned at 4:30 p.m. The next meeting is scheduled for February 2, 2004.