

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on February 19, 2003, in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
 Amy VanHouse, Legislative Research Department
 Gordon Self, Revisor of Statutes Office
 Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

 Greg Foley, Acting Secretary, Kansas Department of Agriculture
 Wendy Harms, Associate Director, Kansas Aggregate Producers' Association

Others attending: See attached list

Hearing and action on HB 2245 - Standards of commercial weighing and measuring devices.

Chairman Johnson opened the hearing on **HB 2245**. Raney Gilliland explained that when the weights and measures statutes were updated by the 2001 Legislature, aggregate producers' scales were allowed a greater tolerance (+/- 100 pounds) for accuracy than allowed by weights and measures standards until July 1, 2003. This legislation would extend the exemption until August 31, 2005.

Greg Foley, Acting Secretary, Kansas Department of Agriculture, appeared in support of **HB 2245** to extend the exemption period to allow the Kansas Aggregate Producers Association to pursue changing the tolerance requirements through the National Conference on Weights and Measures. He explained that the reason for having the association pursue the tolerance change at the national level was to maintain uniformity of weights and measures laws between Kansas and other states. This uniformity is one statutory mandate of the weights and measures program. He said that if the proposal is withdrawn or fails at the National Conference on Weights and Measures, the aggregate industry is expected to comply with the tolerances for scales without any special consideration or further extensions.

Wendy Harms, Associate Director, Kansas Aggregate Producers' Association, testified in support of **HB 2245** to allow their association the opportunity to present their issues to the National Conference on Weights and Measures concerning the granting of this exemption to be published in the National Institute of Standards and Technology Handbook 44. She said that due to the timing of their conferences, additional time is needed to resolve this issue. (Attachment 2)

Chairman Johnson closed the hearing on **HB 2245** and opened the floor for discussion.

CONTINUATION SHEET

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Representative Feuerborn moved to recommend **HB 2245** favorable for passage and, because the bill is of a noncontroversial nature, be placed on the consent calendar. Seconded by Representative Freeborn, the motion carried.

Discussion and action on HB 2027 - Control of prairie dogs, moles and gophers.

Chairman Johnson opened discussion on **HB 2027**. Raney Gilliland reviewed the bill for the committee.

Chris Wilson, representing the Kansas Agricultural Aviation Association, Kansas Dairy Association and Kansas Seed Industry Association, and Keith Foster on behalf of the Finney County Commissioners submitted written testimony in support of **HB 2027**. (Attachments 3 and 4, respectively)

Representative Freeborn moved to amend **HB 2027** on page 4, after line 5, by adding a new Section 4 and renumbering the sections accordingly: "New Section 4. Trapping and transplanting prairie dogs outside of the Kansas traditional home range of the prairie dog is prohibited except when done in conjunction with a scientific, education or exhibition permit issued pursuant to K.S.A. 32-952 and amendments thereto. As used in this section, "Kansas traditional home range" means that area of Kansas extending from the Kansas-Colorado border eastward and ending with the easternmost boundary of Washington, Clay, Dickinson, Marion, Harvey, Sedgwick and Sumner counties and including all counties in between." (Attachment 5) The motion was seconded by Representative Feuerborn. It was agreed to add clarifying language by inserting the words "to any location" after "...prairie dogs" and before "outside of the Kansas traditional home range..." After much discussion, the motion carried.

Staff recommended a technical amendment to **HB 2027** on page 2, line 25, to strike "others" and insert "other." Representative Gatewood moved to make the necessary correction. Seconded by Representative Feuerborn, the motion carried.

Representative Powell moved to table **HB 2027**. Seconded by Representative Ostmeyer, the motion failed.

Representative Powell moved to amend **HB 2027** on page 4, after line 5, by inserting a new subsection: "(f) Notwithstanding any provision of law to the contrary, the secretary of wildlife and parks shall not adopt rules and regulations to carry out the provisions of this section and K.S.A. 80-1201, and amendments thereto." (Attachment 6) The motion was seconded by Representative Faber. Following a lengthy discussion, the motion passed.

Representative Feuerborn moved to recommend **HB 2027**, as amended, favorable for passage. Seconded by Representative Freeborn, the motion carried. Representatives Faber and Ostmeyer requested that their no votes be recorded.

Discussion and action on HB 2036 - Motor fuel labeled as bio-diesel required to contain at least 2% esters derived from vegetable oil or animal fat.

Chairman Johnson opened discussion on **HB 2036** and Raney Gilliland reviewed the bill for the committee.

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Gordon Self, Revisor of Statutes, explained a proposed amendment that would, with only technical changes, move the basic language of **HB 2036** from the Kansas consumer protection act where violations would be handled by the Office of the Attorney General to the petroleum products inspection act administered by the Kansas Department of Agriculture where civil penalties could be imposed for violations. (Attachment 7) Representative Powell moved the amendment. Seconded by Representative Gatewood, the motion carried.

Representative Gatewood moved to recommend **HB 2036**, as amended, favorable for passage, however, because the bill was substantially changed to rename the bill **House Substitute for HB 2036**. Seconded by Representative Ostmeier, the motion carried.

The meeting adjourned at 4:55 p.m. The next meeting is scheduled for February 24, 2003.