

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Derek Schmidt at 8:00 a.m. on March 23, 2004 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Legislative Research
Lisa Montgomery, Office of the Revisor of Statutes
Robert Myers, Committee Secretary

Conferees appearing before the committee:

Tom Sloan - House of Representatives
Todd Johnson - Kansas Livestock Association
Bob Rhoton - Douglas County Agri-Business Network
Terry Holdren - Kansas Farm Bureau
Marci Francisco
Mike Hayden - Secretary, Kansas Department of Wildlife and Parks
Leslie Kaufman - Kansas Cooperative Council
George Teagarden - Kansas Animal Health Department

Others attending:

See Attached List.

HB 2531: Historical preservation; consideration of established agricultural use of land required.

Chairman Schmidt opened the hearing on **HB 2531**.

Tom Sloan appeared before the committee as a proponent of **HB 2531**. He pointed out that, under current state law, the request for a building permit within the environs of an historic site requires much consideration with regard to the future impact of the proposed construction. He specifically noted that the environs of a given historical site exist as follows: in urban areas, 500 feet in extension from the historic property; in non-urban areas, the extension is 1,000 feet. He stated that the legislation proposes that there be no such discrepancy between the extent of urban and rural historical environs, or more specifically, that both be equal to 500 feet in extension. Regarding the objective of establishing this equality within the bill, he stated that farmers in urbanizing communities need to be protected from adverse impact as a result of being close to an historic site. Furthermore, he said that the bill attempts to protect both the integrity of state historical sites and the ability of farmers to earn a living. Attached with his written testimony is the bill language that had been determined to be acceptable by the Kansas Department of Wildlife and Parks (Attachment 1).

Todd Johnson appeared before the committee as a proponent of **HB 2531**. He also pointed out that a person must obtain an appropriate building or demolition permit before beginning a project that encroaches upon an historic property. He presented to the committee, as is noted in his written testimony, a list of ways in which the proposed legislation act clarifies how agricultural land and farming practices fit into the historic preservation act (Attachment 2).

Bob Rhoton appeared before the committee as a proponent of **HB 2531**. He expressed his opinion that the bill protects farmers in that it allows them to continue operating without placing added expenses and restrictions on the use of their land. Just as the first two conferees had also done, Mr. Rhoton spoke of the discrepancy between the current definition of historical environs in rural and urban areas. Furthermore, he noted the amendment to the bill that would exempt agricultural land from being reviewed so long as it remains in agricultural use. He pointed out that the bill would still control development and encroachments upon historical environs, but that it would not prevent a farmer from making necessary alterations to their farm or house (Attachment 3).

Bob Rhoton submitted written testimony to the committee, on behalf of Kermit Kalb, in support of **HB**

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2531 (Attachment 4).

Terry Holdren appeared before the committee as a proponent of **HB 2531**. He also spoke of the possible restrictions that exist under the current law with regard to a farmer's property abutting a registered historical site. He acknowledged the proposed bill as seeking to correct the potentially negative impact of such restrictions on normal farming and ranching activities (Attachment 5).

Marci Francisco appeared before the committee as an opponent of **HB 2531**. She expressed her belief that the act concerning state historic property never intended to nor did have negative effects on agriculture in Kansas. She stated that if the new Section 1 of the bill (that which clarifies that the act concerning state historic property shall not prohibit, hinder or restrict the agricultural use of land within an historic environ) were to be adopted, then it would be unnecessary to also add Section 6 (b) (that which calls for notification to be provided to owners of agricultural land of a meeting that may result in an action on an historical environ to which their land abuts). Furthermore, with regard to this notification, she questioned the use of resources and funds on the publication of notices for meetings. As is shown in her written testimony, she urged the committee to consider two amendments for the proposed bill (Attachment 6).

Mike Hayden appeared before the committee in order to stress that there are a lot of historic properties within the scope of the Kansas Department of Wildlife and Parks, urging that we must be careful with what is done to them. He asked of the committee that the Kansas Department of Wildlife and Parks be notified of any hearings involving a bill which contains the proposed balloon amendment that had been submitted by Tom Sloan earlier in the hearing. He also expressed the opinion that it would be great to limit the proposed bill, at this time, to just Douglas County, thus addressing Tom Sloan's perceived problem.

HB 2530: Removal of officers of cooperative agricultural marketing association by board of directors.

Chairman Schmidt opened the hearing on **HB 2530**.

Leslie Kaufman appeared before the committee as a proponent of **HB 2530**. She stated that, under current law, the Board of Directors for an entity organized under the state Cooperative Marketing Act consists of officers elected from within the board itself, with the exceptions of the secretary and the treasurer. According to her, the Kansas Cooperative Council had been interpreting the statutes to mean that the board could remove and replace an officer, an interpretation not supported by the court. She pointed out that, thus, the desired provisions of the bill in question would make an amendment allowing the board of directors to make an officer change in an appropriate and timely manner. She further clarified that the Kansas Cooperative Council is asking simply that a board be afforded the corollary ability to remove a person from office, should it be deemed necessary (Attachment 7).

Terry Holdren appeared briefly before the committee as a proponent of **HB 2530**. He submitted written testimony, on behalf of the Kansas Farm Bureau, showing a supporting view (Attachment 8).

HB 2593: Provides for premise registration and preparation for an animal identification program.

Chairman Schmidt asked that final action be taken on **HB 2593**.

Chairman Schmidt distributed to the committee, staff and guests a Proposed Senate Substitute for Substitute for **HB 2593** (Attachment 9). He explained that this proposed substitute would delegate to the Kansas State Livestock Commissioner, between now and January of 2005, only the authority to implement the premises identification aspect of the animal identification plan. He further explained that the individual animal identification component of the plan would be implemented at a later time.

George Teagarden appeared before the committee in order express his concerns regarding the Chairman's proposed substitute. He stressed his belief that it varies greatly from the legislation that was introduced in

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and passed by the House of Representatives. Furthermore, he pointed out that all animal health officials in the United States see the need for implementing an animal identification system. Pointing out the language on the top of page 2 of the proposed substitute, he questioned how a voluntary animal identification program would ever work, stating that the proposed bill does not really give any authority of implementation.

Chairman Schmidt pointed out that the basic policy issue to be addressed when considering the proposed implementation of an animal identification system is one of timing. He further explained that one must consider whether or not we (i.e., Kansas) wish to be ahead of the proposed federal animal identification program.

The committee as a whole expressed opinions and concerns regarding the development of a voluntary premises identification program, as indicated on the top of page 2 of the proposed substitute.

Senator Tyson moved to amend **HB 2593** by adopting the proposed substitute, seconded by Senator Taddiken. The motion carried.

Senator Downey moved to strike the word *voluntary* from within the sixth *WHEREAS* on the top of page 2 of the Proposed Substitute for Substitute for **HB 2593**. Senator Lee seconded the motion. The motion carried.

Senator Huelskamp moved to add the phrase *and with the provisions of the United States Animal Identification Program* at the end of section (b) (1), at the top of page 2 of the Proposed Substitute for Substitute for **HB 2593**. Senator Taddiken seconded the motion. The motion carried.

The committee asked that it be noted in the minutes that it is the intent of the Proposed Substitute for Substitute for **HB 2593** that the Kansas State Livestock Commissioner be able to share data and/or records regarding animal identification with the necessary parties.

Senator Downey moved to strike the phrase *or the discovery of food-borne illness* from the end of the second *WHEREAS* on page 1 of the Proposed Substitute for Substitute for **HB 2593**. Senator Umbarger seconded the motion. The motion carried.

Senator Downey moved to report the Proposed Substitute for Substitute for **HB 2593** favorably for passage. Senator Huelskamp seconded the motion.

Senator Downey withdrew her previous motion to report the Proposed Substitute for Substitute for **HB 2593** favorably for passage.

Senator Huelskamp withdrew his second to the above-mentioned motion made by Senator Downey.

HB 2594: Duty of care of livestock producers.

Senator Tyson moved to add the provisions of **HB 2594** into the Proposed Substitute for Substitute for **HB 2593**. Senator Umbarger seconded the motion. The motion carried.

Senator Lee moved to adopt the balloon amendment that had been proposed by Allie Devine of the Kansas Livestock Association at the March 16, 2004 hearing on **HB 2594** at the Senate Agriculture Committee meeting. Senator Huelskamp seconded the motion. The motion carried.

Senator Downey moved to report the Proposed Substitute for Substitute for **HB 2593** favorably for passage. Senator Huelskamp seconded the motion. The motion carried.

HB 2530: Removal of officers of cooperative agricultural marketing association by board of directors.

Chairman Schmidt asked that final action be taken on **HB 2530**.

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Senator Downey moved to report **HB 2530** favorably for passage, seconded by Senator Corbin. The motion carried.

The next meeting is scheduled for Wednesday, March 24, 2004.