

MINUTES OF THE HOUSE AGRICULTURE & NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 9:00 a.m. on February 15, 2011, in Room 783 in the Docking State Office Building.

All members were present except:

Representative Rocky Fund - Excused
Representative Kyle Hildabrand - Excused
Representative Michael Peterson - Excused

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes
Raney Gilliland, Kansas Legislative Research Department
Michael Wales, Kansas Legislative Research Department
Kay Scarlett, Committee Assistant

Conferees appearing before the Committee:

Lane Letourneau, Water Appropriation Program Manager, Kansas Department of Agriculture
Kent Askren, Water Resources Specialist, Kansas Farm Bureau (written only)
Chris Wilson, Deputy Secretary, Kansas Department of Agriculture
Ron Hein, Kansas Restaurant and Hospitality Association

Others attending:

See attached list.

Hearing on HB 2231 – Updating the provisions regarding water bank flex accounts.

Chairman Powell opened the hearing on **HB 2231**. Sean Ostrow, Office of the Revisor of Statutes, explained the proposed changes to the multi-year flex account program. The bill would adjust the years of data to be used to calculate the base average usage and allow for current year enrollments.

Lane Letourneau, Water Appropriation Program Manager, Kansas Department of Agriculture, testified in support of **HB 2231**. He explained that the multi-year flex account program allows a water right user to get a five-year allotment of water to be used as necessary, allowing greater use than the annual authorized quantity in some years, as long as the five-year allotment is not exceeded. The Department hopes that the proposed changes will make the program more attractive to those in need of some flexibility exercising their water rights.

The Kansas Department of Agriculture requested a technical correction on page 1, line 1, of **HB 2231**, “water bank” should be corrected to “multi-year” flex accounts. They also requested clarifying language on page 2, line 31, to add “authorized by the term permit” to the end of the sentence. (Attachment 1)

Kent Askren, Water Resources Specialist, Kansas Farm Bureau, provided written testimony in support of **HB 2231**. (Attachment 2)

There being no other conferees, Chairman Powell closed the hearing on **HB 2231**.

Hearing on HB 2282 – Lodging inspections and food safety fees.

Chairman Powell opened the hearing on **HB 2282**.

Sean Ostrow, Office of the Revisor of Statutes, explained that this bill would amend the Food Service and Lodging Act of the Kansas Department of Agriculture. The bill would retain the base license fee of \$30 for establishments having up to nine rooms; however, fees for establishments with ten or more rooms would increase the multiplier for each additional ten rooms from \$5 to \$10, with a maximum license fee of \$300. The maximum amount for the application fee would be increased from \$100 to \$200 and the fee for a duplicate license would increase from \$3 to \$5. The bill would clarify that the Secretary could inspect a facility when a complaint is received. **HB 2282** would clarify the provision that directs all fees received are deposited in the agency's fee fund rather than the State General Fund. The bill would also make changes as to how funds would be receipted between the food safety fee fund and the food inspection fee fund.

CONTINUATION SHEET

The minutes of the House Agriculture & Natural Resources Committee at 9:00 a.m. on February 15, 2011, in Room 783 of the Docking State Office Building.

Chris Wilson, Deputy Secretary, Kansas Department of Agriculture, testified in support of **HB 2282** to provide a fee funded lodging inspection program. She said that although the funding will not allow them to do routine inspections as done prior to 2010, it should allow their Food Safety and Lodging Program to inspect all new licenses and respond to consumer complaints at licensed lodging facilities. The Department plans to hire one additional inspector who, along with existing inspectors, will be cross-trained to perform both food safety and lodging inspection. This should increase program efficiency, help reduce travel time, and allow for the maximum number of facilities to be inspected. The bill also clarifies the provision that directs all fees received are deposited in the agency's fee fund rather than the State General Fund and would make changes as to how funds would be receipted between the food safety fee fund and the food inspection fee fund.

She explained that the 2010 legislature authorized a proviso in the budget creating a lodging inspection fee fund. The Kansas Department of Agriculture requests this proviso be placed in substantive law so it is clear all money received from lodging license fees goes into that fund. A proposed balloon amendment to **HB 2282** is included with her testimony. (Attachment 3)

Erik Wisner, Food Safety Policy Director, Kansas Department of Agriculture, answered committee questions concerning lodging complaints received by the Department.

Ron Hein, Kansas Restaurant and Hospitality Association, appeared as neutral on **HB 2282** as it currently reads. As written, he believes the bill has some problems, but understands that the Kansas Department of Agriculture will be submitting proposed amendments which will solve the deficiencies in the current bill. He said the industry supports the regulation of lodging facilities by the Kansas Department of Agriculture, and understands that the fees to provide such regulation will inherently need to come from the industry. (Attachment 4)

There being no other conferees, the hearing on **HB 2282** was closed.

Discussion and action on HB 2184 – Including noncommercial aviation use as a recreational purpose for the purposes of premises liability.

Chairman Powell opened **HB 2184** for discussion. Raney Gilliland, Legislative Research Department, reviewed this bill to add noncommercial aviation use as a recreational purpose as it concerns premises liability.

Representative Moxley moved to recommend **HB 2184** favorably for passage. Seconded by Representative Wetta, the motion carried.

Discussion and action on HB 2205 – Continuing the use of weights and measures standards.

Chairman Powell opened **HB 2205** for discussion and asked Raney Gilliland to review the bill. It was explained that this bill would remove the sunset date on the exception to weights and measures standards and requirements for aggregate scales up to 50,000 lbs., passed by the 2001 legislature and renewed by the 2005 legislature.

Representative Brookens moved to recommend **HB 2205** favorably for passage. Seconded by Representative Williams, the motion passed.

The meeting adjourned at 10:25 a.m. The next meeting of the House Agriculture & Natural Resources Committee is scheduled for February 16, 2011.