

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 16, 2011, in Room 783 in the Docking State Office Building.

All members were present except:

Representative Rocky Fund - Excused
Representative Charlotte O'Hara - 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:

Jeff Hofaker, western Kansas Rural Economic Development Alliance
Chris Wilson, Deputy Secretary, Kansas Department of Agriculture
Derrek Marteney, Kansas Nursery Landscape Association
Mary Jane Stankiewicz, COO and Senior Vice President, Kansas Agribusiness Retailers Association

Others attending:

See attached list.

Jeff Hofaker, western Kansas Rural Economic Development Alliance, provided an overview of the Alliance formed in 1994 to become a single, unified voice to address the economic development concerns for a 54-county region of western Kansas. He highlighted their Workforce Initiative and the Dairy Recruitment Initiative. Their mission is to work together for the common good of western Kansas. (Attachment 1)

Hearing on HB 2271 – Amending provisions relating to plant pest inspection and regulation.

Chairman Powell opened the hearing on **HB 2271**. Sean Ostrow, Office of the Revisor of Statutes, reviewed the bill to clean up the language in the plant pest inspection and control statutes, make fee fund adjustments, increase inspection and enforcement procedures, and provide for stiffer penalties for non-compliance.

Chris Wilson, Deputy Secretary, Kansas Department of Agriculture, appeared in support of **HB 2271** noting that the Department had been working with stakeholder groups to update the Plant Pest and Agriculture Commodity Certification Act for several months. While much of the bill is language clean up, it was decided to adjust the fee structure and increase the enforcement and penalty sections of the statutes. She outlined the proposed amendments to the Plant Pest and Agriculture Commodity Certification Act statutes. (Attachment 2)

Jeff Vogel, Program Manager, Plant Protection and Weed Control, and Rick Scheufler, attorney for the Kansas Department of Agriculture, answered committee questions on the enforcement and penalty provisions in the bill.

Derrek Marteney, Kansas Nursery Landscape Association, testified in support of the provisions in **HB 2271** to make a violation a felony, a uniform requirement of documentation of plant movement, and the authority to eradicate a pest in the case of non-compliance by a plant dealer. He is concerned that the bill creates regulations for protections that are not funded for enforcement. If enforcement is not funded, regulations will burden those who are compliant against non-compliance competitors. The industry depends on inspections in order to be compliant when shipping into other states or working on federal projects. If cutting budgets and fees means less access to inspections, it will cost the industry and ultimately the state. He believes the state should proceed carefully and be sure that the resources are in place to not only enforce these regulations, but to also meet the inspection needs of Kansas producers. (Attachment 3)

CONTINUATION SHEET

The minutes of the House Agriculture & Natural Resources Committee at 9:00 a.m. on February 16, 2011, in Room 783 of the Docking State Office Building.

Mary Jane Stankiewicz, COO and Senior Vice President, Kansas Agribusiness Retailers Association, appearing on behalf of the Kansas Cooperative Council and the Kansas Agribusiness Retailers Association, testified in partial support of **HB 2271**. The associations are supportive of the clean up and clarification language that is contained in the bill. However, they have concerns about Sections 9 and 10 on page 7 of the bill pertaining to the criminal penalties that may be imposed for violations of this act. She questioned whether this was really necessary when the Attorney General has the authority to prosecute fraud, consumer protection, and other criminal activities now. (Attachment 4)

As there were no other conferees, Chairman Powell closed the hearing on **HB 2271**.

The meeting adjourned at 10:24 a.m. The next meeting of the House Agriculture & Natural Resources Committee is scheduled for February 17, 2011.