

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on March 13, 2002, in Room 423-S of the Capitol.

All members were present except: Representative Freeborn - excused  
Representative O'Brien - excused

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

Conferees appearing before the committee:

Rebecca Reed, Special Assistant to the Secretary, Kansas Department of Agriculture  
Jamie Clover Adams, Secretary, Kansas Department of Agriculture  
Leslie Kaufman, Associate Director, Public Policy Division, Kansas Farm Bureau  
Debra Hooper, President, Kansas Greenhouse Growers Association  
Harry Huff, President, Huff's Gardens, Inc.  
Todd Strain, Head Grower, Stutzman Greenhouse, Inc. (written only)  
Jonathan Starch, Melvern Kansas (written only)

Others attending: See attached list

Minutes of the February 18, 20, and 25 meetings were distributed. Members were asked to notify the committee secretary of any corrections or additions prior to 5:00 p.m., March 14, or the minutes will be considered approved as presented.

**Hearing on SB 435 - Repealing regulation of livestock remedies law**

Chairman Johnson opened the hearing on **SB 435**. Raney Gilliland explained that **SB 435** would repeal the livestock remedies requirement from the Kansas Department of Agriculture's list of statutory authorities. He noted that this bill is identical to **HB 2687** heard in committee on January 28. The Senate made no amendments to the bill.

Rebecca Reed, Special Assistant to the Secretary, Kansas Department of Agriculture, presented testimony in support of **SB 435**. She explained that livestock remedies are basically over-the-counter medications for animals, and that repealing the livestock remedies requirement would not leave consumers without protection because FDA must verify a product is safe as labeled before it can be marketed and distributed. She noted that repealing the livestock remedies requirement would allow their Agricultural Commodities Assurance Program staff to spend more time checking eggs, feed, and seed. (Attachment 1)

As there were no other conferees, the Chairman closed the hearing on **SB 435**.

**Hearing on SB 437 - Regulation of plant pests, plants and plant products and plant dealers and certain agriculture commodities**

Chairman Johnson opened the hearing on **SB 437**. Raney Gilliland explained that **SB 437**, concerning the regulation of plant pests, plants and plant products and plant dealers and certain agriculture commodities, was the twin bill to **HB 2700** heard in committee on February 4 and failed to pass as amended on February 6. Senate amendments to **SB 437** were reviewed:

- Inspection fees will not exceed \$30 per hour. Mileage incurred will be paid by the person requesting the inspection.
- Certificate fees will not exceed \$50.
- The plant dealer license fee will not exceed \$60, and it will not apply to live plant retailers who offer only Kansas-produced live plants and have annual sales totaling less than \$10,000. Anyone importing

## CONTINUATION SHEET

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- live plants from other states will need a license.
- Definition and references to the term “viable” were struck.
- Language added to Section 6 clarified the department’s intent with regard to pest freedom standards. As amended, the department may establish regulations under the pest freedom standards for pests or diseases that could cause economic or environmental harm.

Jamie Clover Adams, Secretary, Kansas Department of Agriculture, discussed the Senate amendments and the need for **SB 437** to ensure the health and protection of the state’s natural and cultivated plant resources from high-risk invasive insects, plant diseases, and weeds. She explained that simplifying the fee structure—from nine types of licenses, certificates, and authorizations down to three – would require less administrative overhead for both the department and the regulated industry. She stated that modernizing the Plant Pest Act would allow the department to focus its limited resources on the highest risks. (Attachment 2)

Leslie Kaufman, Associate Director, Public Policy Division, Kansas Farm Bureau, appeared in qualified support for **SB 437**. She reported that KFB is willing to acknowledge and even accept some reasonable user fees; however, they request that the legislature look for new ways to prioritize the Department of Agriculture’s programs that benefit the general public and increase the department’s share of SGF funding once the state is past this current fiscal crisis. (Attachment 3)

Debra Hooper, President, Kansas Greenhouse Growers Association, testified in strong support for **SB 437**. She reported that the Association had been directly involved with the Department of Agriculture’s Plant Health Division in the preparation of the new law and considers passage of **SB 437** vital to the continued economic health of their industry. (Attachment 4)

Harry Huff, President, Huff’s Gardens, Inc., appeared in support of **SB 437**. As a member of the committee that reviewed and recommended the changes to the Kansas Plant Pest Act, he explained the need to change to a risk-based approach to plant pest regulation; the need to extend coverage to all dealers who handle live plants to assure equality of regulation; and the need for civil penalty authority. He explained that the fees as originally proposed were chosen to allow this act to not need revision for several years. (Attachment 5)

Todd Strain, Head Grower, Stutzman Greenhouse, Inc., Hutchinson, submitted written testimony in support of **SB 437** to strengthen and update the Plant Pest Act, although he is opposes the Senate amendments that reduce the inspection and certification fee caps. (Attachment 6)

Jonathan Starch, Melvern, Kansas, submitted written testimony in support of **SB 437**. He believes this legislation would put everyone that generates business from the sale of live plants on a more equal basis when it comes to licensing; also, the bill would allow inspectors to focus more of their time on high-risk problems. (Attachment 7)

Secretary Adams asked for consideration of an amendment to **SB 437**, on page 5, line 30, after “Upon request the secretary may provide inspection services for” insert the language “any person who owns or possesses plants or plant products or for” as this was inadvertently omitted from the original bill.

The Chairman closed the hearing on **SB 437**.

### **Discussion and action on SB 435 - Repealing regulation of livestock remedies law**

Representative Schwartz moved to recommend SB 435 favorable for passage. Seconded by Representative Feuerborn, the motion carried.

The meeting adjourned at 4:10 p.m. The next meeting is scheduled for March 18, 2002.