

MINUTES

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

March 12, 2003
Room 531-N—Statehouse

Members Present

Representative Carl Holmes, Chairman
Senator Dwayne Umbarger
Senator Stan Clark
Senator U. L. "Rip" Gooch
Representative Janice Pauls
Representative Sharon Schwartz

Members Absent

Senator Karin Brownlee
Senator Chris Steineger
Representative Jerry Henry
Representative Andrew Howell
Representative Candy Ruff
Representative Dan Williams

Staff Present

William G. Wolff, Kansas Legislative Research Department
Mitch Rice, Revisor of Statutes Office
Ken Wilke, Revisor of Statutes Office
Judy Glasgow, Secretary

Others Present

Greg Krisseck, Kansas Corn Growers Association
Jere White, Kansas Corn Growers Association
Mark Hassman, Kansas Pest Control Association
Hal Hudson, Kansas Pest Control Association
Joe Lentz, Kansas Department of Agriculture
Dale Lambley, Kansas Department of Agriculture
Gary Meyer, Kansas Department of Agriculture
Twila Drybread, Division of Budget
Janet McPherson, Kansas Farm Bureau
Doug Wareham, Kansas Agribusiness Retailers Association

Vice Chairman Umbarger called the meeting to order at 12:15 p.m. He recognized Joe Lentz, Kansas Department of Agriculture, to discuss the proposed rules and regulations concerning pesticides noticed for hearing by the Kansas Department of Agriculture. KAR 4-13-1, definitions; KAR 4-13-2, pesticide business license application; KAR 4-13-4a, requirements for written contract or statement of services by a business; KAR 4-13-6, marking of vehicles; KAR 4-13-7, termite control application procedures; and KAR 4-13-26, preconstruction application of pesticide for termite control.

Mr. Lentz pointed out several technical and grammatical changes to be made in KAR 4-13-1, definitions, and in KAR 4-13-4a, and he stated that these corrections would be made by the Department.

Regarding termite control application procedures set out in subsection (a) of KAR 4-13-7, staff noted that the Department should consider inclusion of an exception statement to accommodate the language in subsection (c).

In response to questions concerning how the buyer would know the strength of the pesticide being applied, Mr. Lentz stated that labels contain prescribed rates of application and the Department reviews the label rates to ensure proper application rates by applicators.

Having completed the review of proposed pesticide rules and regulations and after responding to Committee questions, Mr. Lentz continued his presentation on the proposed rules and regulations noticed for hearing by the Kansas Department of Agriculture regarding commercial fertilizer. KAR 4-4-900, definitions; KAR 4-4-956, alternative designs for bulk fertilizer storage facility; KAR 4-4-982, marking of mobile storage containers; KAR 4-4-983, mobile storage containers; KAR 4-4-985, application for new or modified bulk fertilizer storage facilities; and KAR 4-4-986, liquid bulk fertilizer bladder tank requirement.

Committee members had several questions concerning various definitions contained in KAR 4-4-900. One such question concerned what constitutes "fertilizer" for the purposes of this proposed rule and regulation. Mr. Lentz stated that the definition of "commercial fertilizer" is covered in KSA 2-1226 and KSA 2-1201. He added that, in reviewing this regulation, the Department should add the term "commercial" where appropriate throughout the regulations.

In the definition of "Permanent cessation of operations," Mr. Lentz responded to questions about how the Department arrived at the 12-month period. He indicated that the Department had canvassed surrounding states and looked at existing operations and 12 consecutive months seemed the most appropriate.

Several committee members commented on the definition of "Temporary storage" expressing the view that the 60-day time period was not long enough, especially in the current drought conditions.

Chairman Holmes noted at this point that it would not be possible to complete the hearing on the proposed commercial fertilizer rules and regulations at this meeting as time was running out. He thanked the conferee for his remarks, but said he would like to allow any persons who were from out of town to testify before the Committee.

The Chairman recognized Mark Hassman, Chairman of Government Affairs, Kansas Pest Control Association, to testify concerning the pest control rules and regulations (Attachment 1). Mr. Hassman stated that the Association had five areas of concern about the regulations and the Department has addressed all of them, so the Pest Control Association, Inc., endorses the proposed regulations.

Chairman Holmes introduced Jere White, Kansas Corn Growers Association, to speak to the proposed rules and regulations regarding bulk fertilizer (Attachment 2). Mr. White stated that the economic impact analysis vastly understates the costs these new regulations could have on farmers concerning the construction of bulk storage facilities. He also stated that KAR 4-4-983 regarding mobile storage containers does not seem to match the language enacted in 2002 SB 489.

The Chairman thanked Mr. White and Mr. Hassman for their presentations before the Committee.

The proposed rules and regulations for fertilizer will be continued to the next meeting. The meeting adjourned at 1:30 p.m.

Prepared by Judy Glasgow and Bill Wolff

Approved by Committee on:

_____ May 1, 2003