

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:30 a.m. on March 9, 2011, in Room 159-S of the Capitol.

All members were present.

Committee staff present:

Tamera Lawrence, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Heather O'Hara, Kansas Legislative Research Department
Judy Seitz, Committee Assistant

Conferees appearing before the Committee:

Representative Carl Holmes, 125th District
Chris Wilson, Deputy Secretary, Kansas Department of Agriculture (KDA)
Derrek Marteney, Kansas Nursery Landscape Association

Others attending:

See attached list.

Chairman Taddiken noted that there were minutes for the February 15 and 16 meeting which will be acted on later.

Chairman Taddiken opened the hearing on **HB 2184--Including noncommercial aviation use as a recreational purpose for the purposes of premises liability.**

Tamera Lawrence, Office of the Revisor of Statutes, reviewed **HB 2184**. She stated this bill amends a law dealing with the liability of landowners who open up their private property to non commercial aviation.

Ms. Lawrence offered to take questions.

Representative Carl Holmes, 125th District, testified in support of **HB 2184 (Attachment 1)**. He said this bill adds noncommercial aviation activities to the definition of recreational purposes to the law dealing with the liability of landowners who choose to open up their private property to recreational vehicles. Representative Holmes also said this proposed legislation applies to the land or property owner, not the aircraft owner.

Representative Holmes offered to stand for questions.

Written testimony supporting **HB 2184** was furnished by John T. Smith, Liberal (Attachment 2).

The hearing on **HB 2184** was closed.

A motion to pass **HB 2184** favorably out of Committee was made by Senator Teichman. Motion was seconded by Senator Love. Motion carried.

Chairman Taddiken opened the hearing on **Sub. for HB 2271--Amending provisions relating to plant pest inspection and regulation.**

Ms. Lawrence reviewed **Sub. for HB 2271**. She said this bill amends various provisions of the Kansas Plant Pest Act and clarifies authority given to the Secretary of Agriculture or the Secretary's designee.

Ms. Lawrence offered to take questions.

Chris Wilson, Deputy Secretary, Kansas Department of Agriculture (KDA), presented statements in support of **Sub. for HB 2271 (Attachment 3)**. She stated that this bill would update and strengthen the Plant Pest and Agriculture Commodity Certification Act so that the KDA can protect the Kansas economy through excluding or controlling harmful insects, plant diseases and weeds; ensuring Kansas plants and plant products entering commerce are free from quarantine pests and providing customers with inspection

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and certification services.

Ms. Wilson took questions from the Committee.

Jeff Vogel, Plant Protection and Weed Control Program Manager, KDA and Rick Scheufleur, Staff Attorney, KDA, answered questions from the Committee.

Derrek Marteney, Kansas Nursery Landscape Association, appeared in support of **Sub for HB 2271**. (Attachment 4) He said this bill would provide for uniform requirements of plant movement documentation and gives authority to eradicate a pest in the case of non-compliance by a plant dealer. Mr. Marteney stated concerns with this proposed bill regarding the need to make violations a felony, which would give authority to pursue out of state offenders and it does not make provisions for more inspectors in the field.

Mr. Marteney stood for questions.

Chairman Taddiken said that the hearing for **Sub for HB 2271** will be continued to Tuesday, March 15.

Senator Schmidt made a motion to approve the minutes of the February 15 and 16 meeting; seconded by Senator Francisco. Motion carried.

Senator Ostmeyer moved to pass **HB 2205--Continuing the use of weights and measures standards** out favorably. The motion was seconded by Senator Bruce. Motion carried.

Senator King made a motion to adopt an amendment to **HB 2282--Lodging inspections and food safety fees** which would remove the cap on licenses fees (Attachment 5). The motion was seconded by Senator Francisco. The amendment was adopted.

Senator Francisco then moved that **HB 2282** be reported out favorably as amended. The motion was seconded by Senator Schmidt. Motion passed.

The next meeting is scheduled for March 15, 2011.

The meeting was adjourned at 9:28 a.m.