

MINUTES OF THE SENATE AGRICULTURE COMMITTEE.

The meeting was called to order by Chairperson Derek Schmidt at 8:30 a.m. on March 6, 2001 in Room 423-S of the Capitol.

All members were present except: Senator Downey - excused

Committee staff present: Raney Gilliland, Legislative Research Department  
Jill Wolters, Revisor of Statutes  
Betty Bomar, Secretary

Conferees appearing before the committee:

Others attending: See attached list

**HB 2101 - Creating the plant pest emergency response fund**

Raney Gilliland, Analyst, Legislative Research Department, explained that **SB 2101** creates the Plant Pest Emergency Response Fund in the State Treasury. The fee is fixed by rules and regulations, not to exceed \$5.00, and imposed until the fund reaches an amount not to exceed \$15,000. The Secretary of Agriculture is authorized to make expenditures from the fund in order to mitigate plant pests that are identified as being of potential damage to agriculture, horticulture, or the environment.

Mr. Gilliland stated there may be a typographical error in the bill as on Page 1, line 30, the amount should be \$5,000. The House Committee amended **HB 2101** to reflect that the fee is to be imposed only until there is \$15,000 in the fund and then the fee is to be suspended until the balance of the fund is \$5,000 or less at which time the fee is reimposed.

Jamie Clover Adams, Secretary, Kansas Department of Agriculture (KDA), testified in support of **HB 2101**, stating that in establishing a plant pest emergency response fund, the KDA would be able to more effectively fulfill its responsibility to protect the state's natural and cultivated resources from plant pests. The fund provides KDA the capability to rapidly respond to the introduction of harmful plant pests - - insects, plant disease and weeds in the state.

Kansas is a net importer of nursery stock and each year imports plant materials from over 30 states to satisfy consumer demand. Each state has unique pest problems that do not occur in Kansas. Regulatory pest exclusion authority and techniques provided in the Kansas Plant Pest Act, such as quarantines, host plant inspection and pest detection, are utilized to direct activities toward regulation of high-risk pests. The department's ability, however, to mitigate new pest introductions is limited. The emergency response fund allows the department to more quickly mitigate pest introductions that occur.

Currently, these issues are addressed on an ad hoc basis depending on savings and year-end fund availability, as well as the department's participation in the Interstate Pest Control Compact. The state is currently fighting infestation of the pine pitch moth in Thomas County and the Grecian foxglove infestation in Wilson County.

A surcharge of \$5 for each nursery dealer license and certificate of nursery inspection will generate approximately \$7,000 annually. **HB 2101** prohibits the secretary from collecting the fee when the balance in the fund exceeds \$15,000, and requires the secretary to commence collecting again when the balance in the fund drops below \$15,000. The Secretary submitted a proposed amendment to **HB 2101** which strikes the shall on Page 1, at Line 30, and inserts the word "may", making the reinstatement of fee collection permissive rather than mandatory. (Attachment 1)

There being no further conferees desiring to be heard, the hearing was concluded.

#### CONTINUATION SHEET

The Chair stated the Committee would postpone action on **HB 2101** until its next meeting.

#### **SB 334 - Commercial feeding stuffs; seizures thereof**

The Chair submitted a proposed amendment on Page 3, Line 1, which raises the criminal penalty to a class A, nonperson misdemeanor, for which the penalty is up to 1 year in the county jail and a fine of up to \$2,500. The proposed amendment addresses the ambiguity between the civil penalty imposed by **SB 334**, and the criminal penalty.

**Senator Morris moved, seconded by Senator Lee that SB 334 be amended on Page 3, at line 1 following the “a” by inserting “class A, nonperson”, and striking the balance of the paragraph. The voice vote was in favor of the amendment.**

**Senator Morris moved, seconded by Senator Umbarger, that SB 334 be recommended favorably for passage as amended. The voice vote was unanimous in favor of the motion.**

#### **SB 255 - Reciprocity for pesticide applicators, fee paid shall be the amount paid in Kansas**

The Committee discussed **SB 255**. There was no recommendation for action.

**Senator Umbarger moved, seconded by Senator Morris that SB 255 be stricken in its entirety and new language be inserted relating to the levying of a civil penalty against any person who sells or distributes any custom blended fertilizer who does not hold a valid license. The voice vote was in favor of the Motion.**

**Senator Tyson moved, seconded by Senator Huelskamp that the Minutes of the February 27<sup>th</sup> and February 28<sup>th</sup> meetings be approved. The vote was unanimous in favor of the motion.**

The meeting adjourned at 9:00 a.m.

The next meeting is scheduled for March 7, 2001.