

Approved: March 29, 2010

Date

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 3:30 p.m. on March 8, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Johnson - Excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes  
Daniel Yoza, Office of the Revisor of Statutes  
Corey Carnahan, Kansas Legislative Research Department  
Raney Gilliland, Kansas Legislative Research Department  
Pat Matzek, Committee Assistant

Conferees appearing before the Committee:

Constantine Cotsoradis, Deputy Secretary, Kansas Department of Agriculture  
Don Saylor, CEO, Kansas Restaurant and Hospitality Association

Others attending:

See attached list.

Chairman Powell opened the meeting by commenting on his trip last week to Washington, D.C., while attending the 2010 Federal Energy and Environmental Matters Conference. Dignitaries in attendance represented Venezuela, along with a presentation from the U.S. Ambassador to Venezuela from Caracas, as well as a representative from the Canadian Embassy. The main topic focused on oil and oil reserves.

Chairman Powell then opened the hearing on **HB 2659** with an explanation of the bill by Raney Gilliland, Kansas Legislative Research Department, who advised the bill makes a number of changes in the statutes relating to the current licensure of lodging establishments in the state. On one hand, the bill is repealing the requirements for a license; however, it retains the authority for the Secretary of Agriculture, upon complaint, indicating the lodging establishment does not comply with the applicable standards promulgated in the rules and regulations of the secretary, to inspect the lodging establishments. Mr. Gilliland further explained that even though there is no license issued by the state under this bill, the Secretary of Agriculture would still maintain the authority to close the establishment. Mr. Gilliland distributed copies of Statute 36-502 which was not explained in **HB 2659**, to members of the Committee (Attachment 1).

**Hearing on HB 2659:**

**OPPONENTS:**

Constantine Cotsoradis, Deputy Secretary, Kansas Department of Agriculture, spoke in opposition of **HB 2659** (Attachment 2), stating that in January, 2010, the Kansas Department of Agriculture (KDA) temporarily suspended all lodging inspections due to budget cuts. Further, from KDA's discussion with the House Budget Subcommittee, KDA's understanding of the bill was that it was to fund a complaint-based program. However, KDA is not confident this bill does what the subcommittee intended in that it does not provide the funding needed to conduct a complaint-based inspection program. Mr. Cotsoradis added that the KDA believes the better alternative to **HB 2659** is a bill the Senate Ways and Means Committee introduced which establishes in statute a lodging fee fund separate from the state general fund. This proposed Senate bill would provide for a lodging program that will meet the needs of the lodging industry, tourism and consumers, and will accomplish it at a lower cost than the program that was suspended.

Don Saylor, CEO, Kansas Restaurant and Hospitality Association (KRHA), presented testimony in opposition of **HB 2659** (Attachment 3), advising by eliminating the licensure of lodging facilities in the state would cause great harm to the lodging/tourism industry to the extent that the perception with the public will be that KRHA's hotels and motels are not licensed, therefore not regulated or inspected for safety and health issues. Secondly, Mr. Saylor explained that by eliminating the licensure requirement, the state, when called to inspect a facility upon complaint by a consumer, would be forced to take extraordinary steps in order to take action against the facility which ultimately would require delay and lack of protection for the public. In conclusion,

3/08

CONTINUATION SHEET

Minutes of the House Agriculture and Natural Resources Committee at 3:30 p.m. on March 8, 2010, in Room 783 of the Docking State Office Building.

Mr. Saylor stated the KRHA would continue to work with the KDA on an overall solution to this issue, but feels that **HB 2659** is not the best solution to this problem.

After questions were asked by members of the Committee, the hearing was closed on **HB 2659**.

Steve Moris, Kansas Department of Agriculture, Food Safety and Lodging Program, also answered questions from members of the Committee.

Chairman Powell continued the meeting with action on the following bills.

**Action on:**

**SB 395** - Changes to dairy, milk and milk product statutes. Committee action was postponed until tomorrow, March 9, on this bill, due to lack of sufficient documentation relating to proposed changes to the bill.

**Action on:**

**SB 497** - Excluding certain knives from the definition of a criminal weapon.

Daniel Yoza, Office of the Revisor of Statutes, distributed a balloon amendment on **SB 497 (Attachment 4)** and explained that the balloon amendment designates the difference between a switchblade and a pocket knife by adding the wording "an ordinary" before pocket knife.

Representative Hineman made a motion to adopt the balloon amendment. Representative Hayzlett seconded the motion. The motion carried.

Representative Hayzlett made a motion to pass out the bill favorably as amended. Representative Hineman seconded the motion. The motion carried. Representative Hineman will carry the bill.

**Action on:**

**SB 396** - Laboratory equipment fund

Raney Gilliland, Kansas Legislative Research Department, explained **SB 396** would address the issues with the Agriculture and Metrology Laboratories within the Department of Agriculture. The bill would allow the Secretary of Agriculture to request a transfer of not more than 10% of any carry-over balance in the specified fee funds at the end of the fiscal year to what is called the Laboratory Equipment Fund. The Laboratory Equipment Fund has not been funded for some time and this bill will allow, over a period of time, monies to be put in this fund to help with the acquisition, maintenance and replacement of certain equipment in the two laboratories in the Department of Agriculture.

Representative Moxley made a motion to pass the bill out favorably and put the bill on the consent calendar. Representative Wetta seconded the motion. The motion carried. Representative Moxley will carry the bill.

The next meeting is scheduled for March 9, 2010.

The meeting was adjourned at 4:40 p.m.