

MINUTES OF THE HOUSE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on February 15, 2006, in Room 423-S of the Capitol.

All members were present except:

Representative Jerry Williams- excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department

Gordon Self, Revisor of Statutes Office

Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Duane Simpson, Vice President of Government Affairs, Kansas Agribusiness Retailers Association

Leslie Kaufman, Executive Director, Kansas Cooperative Council

Jere White, Executive Director, Kansas Corn Growers and Kansas Grain Sorghum Producers Assn.

Brad Harrelson, State Policy Director, Governmental Relations, Kansas Farm Bureau

Dana Hoffman, Producer Policy Specialist, Kansas Association of Wheat Growers

John Kabus, County Weed Directors Association of Kansas (Written only)

Dr. Dirk Hanson, Executive Director, Kansas Board of Veterinary Examiners

Dr. Marty Vanier, Chair, Legislative Committee, Kansas Veterinary Medical Association

Others attending:

See attached list.

Discussion and action on HB 2836 - Revisions to Kansas egg law.

Chairman Johnson opened discussion on **HB 2836** by asking Raney Gilliland to review the bill for the committee. Gordon Self explained proposed technical amendments as discussed at the hearing on the bill. (Attachment 1)

Representative Powers moved to accept the balloon amendments to **HB 2836**. Seconded by Representative Miller, the motion carried.

Representative Svaty moved to recommend **HB 2836**, as amended, favorably for passage. The motion was seconded by Representative Miller.

Representative Peck offered a substitute motion to amend **HB 2836** on page 6 by deleting lines 23, 24, and 25. The motion was seconded by Representative Gatewood. Constantine Cotsoradis, Assistant Secretary, Kansas Department of Agriculture, explained that this language codifies current regulation practices and urged the committee to keep the language in the bill to assure that safe eggs are sold to the public. The motion failed.

The original motion to recommend **HB 2836**, as amended, favorably for passage carried.

Hearing on HB 2718 - Issuance of private applicator's certificate under pesticide law.

Chairman Johnson opened the hearing on **HB 2718**. Gordon Self explained that this bill would remove the exemption that allows a property owner to perform some personal service in exchange for another person with a private applicator's certificate applying a restricted use pesticide on his property.

Duane Simpson, Vice President of Government Affairs, Kansas Agribusiness Retailers Association, testified in support of **HB 2718** introduced at KARA's request. He explained that under current law, how the state regulates a person applying restricted use pesticides on a third party's property is decided by the method of payment. If the customer barter for trade instead of paying cash, the applicator need only be licensed as a private applicator rather than a commercial applicator. He said the current system is impossible for the Department of Agriculture to enforce. KARA believes removing the bartering exemption is important for three reasons: 1) A private applicator's insurance does not cover damage done to crops through

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misapplication; 2) A private applicator is not required to provide a written statement of service; and 3) A private applicator is only required to take an open book test once every 5 years, while a commercial applicator must pass a closed book test and be re-certified every 3 years through continuing education. He reported that the Department of Agriculture has notified them that they will be attempting to rewrite the agricultural chemical and pesticide statutes over the interim. (Attachment 2)

Leslie Kaufman, Executive Director, Kansas Cooperative Council, appeared in support of **HB 2718** to amend the private applicator certificate provisions by eliminating the bartering exemption. She stated that a bartering transaction is an exchange of value, it is no different than a cash transaction—value exchanged for product/service. KCC supports regulation of agricultural chemicals and fertilizers based on sound scientific principles and applied evenly to dealers, handlers, and end-users. They support efforts to ensure that current regulations for storing, handling, and applying bulk fertilizers and agricultural chemicals are uniformly enforced. (Attachment 3)

Jere White, Executive Director, Kansas Corn Growers and Kansas Grain Sorghum Producers Association, appeared in strong opposition to **HB 2718**. He believes this bill was proposed by an industry that wants the legislature to regulate away their perceived competition. He said that it is time to send a strong message to Kansas farmers that the legislature understands their business enough to not do unreasonable harm, even if agricultural retailers do not. (Attachment 4)

Brad Harrelson, State Policy Director, Governmental Relations, Kansas Farm Bureau, testified in opposition to **HB 2718**. He said proponents of this bill state that elimination of this provision would protect the environment and provide for better enforcement. KFB believes the true intent has very little to do with further protecting the environment and much more to do with preserving a market. KFB is unaware of rampant abuse of the privileges currently provided private applicators under the law, neither environmental damage through misapplication nor individuals commercially applying chemicals under private certification. If there are isolated occurrences of such illegal activity, KFB supports swift and full enforcement to prevent further offenses. (Attachment 5)

Dana Hoffman, Producer Policy Specialist, Kansas Association of Wheat Growers, appeared in opposition to **HB 2718** and elimination of the barter provision of the private applicator certificates for restricted use pesticides. She stated that primarily their members oppose this bill as Kansas producers are facing high fuel and input costs. This is not the time to take away any producer's opportunity to gain efficiencies in their operations. She noted that although the process for professional application is more intense, that particular individual is not always the one making application in the field. (Attachment 6)

John Kabus, County Weed Directors Association of Kansas, submitted written testimony in opposition to **HB 2718** that would remove the ability for an applicator to apply restricted use herbicides on his neighbor's property. He explained that Weed Directors routinely are the liaisons between neighbors and their noxious weed disputes, that they often coordinate these control solutions. He noted that it is also common for neighbors that share a fence line to control weed and brush infestations on both sides of that property line. He stated that County Weed Directors depend on responsible landowners to be "neighborly" in their efforts to reduce noxious weeds in their counties. (Attachment 7)

Following a question and answer period, Chairman Johnson closed the hearing on **HB 2718**.

Hearings on HB 2833 - Licenses, definitions and registration under the Kansas veterinary practice act; HB 2834 - Unlawful conduct under Kansas veterinary practice act; and HB 2835 - Disciplinary action, assessment of penalties and confidentiality under the Kansas veterinary practice act.

Chairman Johnson opened the hearings on **HB 2833, HB 2834, and HB 2835**. Raney Gilliland and Gordon Self reviewed the proposed changes to the Kansas Veterinary Practice Act contained in these three bills.

Dr. Dirk Hanson, Executive Director, Kansas Board of Veterinary Examiners, appeared in support of **HB 2833, HB 2834, and HB 2835** introduced at his request. He said these amendments would better enable the Board to "promote public health, safety, and welfare" relative to the practice of veterinary medicine. He

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explained that **HB 2833** would remove the definitions for “veterinary medical specialist” and “ECFVG certificate” as well as all references to “ECFVG.” The bill provides that all applicants for licensure to practice must meet the education requirements as determined by the Board. The bill would also modify statute to clarify that a veterinary premise is to be audited and registered when there is any change of the licensed veterinarian who is responsible for the operation and management of the veterinary premise. **HB 2834** establishes actions and penalties to be taken against any person who is unlawfully practicing veterinary medicine in Kansas, even if such person is doing so from a location outside Kansas, such as via internet. **HB 2835** adds “violation of a Board order” as grounds for disciplinary action under the category of unprofessional conduct. The bill also adds waivers to the confidentiality privilege. Finally, the bill would increase the maximum fine that the Board may assess from \$2,000 to \$5,000. (Attachment 8)

Dr. Marty Vanier, Chair, Legislative Committee, Kansas Veterinary Medical Association, spoke in support of **HB 2833, HB 2834, and HB 2835**. She reported that KVMA’s strong support for these changes in the Kansas Veterinary Practice Act is the result of careful study and deliberation that began over eight months ago. The KVMA Legislative Committee met on three occasions followed with an endorsement of the proposed legislation by the KVMA Board of Directors on January 20. She noted that these proposed changes were shared with the entire KVMA membership on at least three occasions. KVMA believes the statutory changes found in these bills will allow the Kansas Board of Veterinary Examiners to operate more efficiently, better serve veterinarians and the citizens of Kansas, and most importantly, protect the public health, safety, and welfare. (Attachment 9)

Chairman Johnson closed the hearings on **HB 2833, HB 2834, and HB 2835**.

The meeting adjourned at 5:30 p.m. Congressman Jerry Moran will address a joint meeting of the House and Senate Agriculture Committees on February 17, 2006, at 7:30 a.m.