

M I N U T E S

SPECIAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

June 26, 1975

Members Present

Senator Leslie A. Droge, Chairman
Representative John Vogel, Vice-Chairman
Senator Don Christy
Senator R. J. Williams
Senator Chuck Wilson
Representative R. E. Arbuthnot (June 26 only)
Representative Rex Crowell
Representative Ambrose L. Dempsey
Representative Jack Rodrock
Representative George H. Works

Staff Present

Don Jacka, Legislative Research Department
Walt Smiley, Legislative Research Department
Emalene Correll, Legislative Research Department
Alan Alderson, Revisor of Statutes Office

Conferees and Observers

James A. Power, Kansas Water Resources Board
John Stitz, Rural Affairs, Archdiocese, Kansas City, Kansas
Sister M. Noel Walter, Kansas Catholic Conference
Charles F. Bredahl, State Conservation Commissioner, Topeka
Keith S. Krause, Kansas Water Resources Board
Richard G. Koerth, Division of the Budget
Chris McKenzie, Division of Planning and Research
Louis C. Jordan, Board of Agriculture, Division of Water Resources
Larry G. Hess, Board of Agriculture, Division of Water Resources
Guy E. Gibson, Board of Agriculture, Division of Water Resources
F. J. Dickerson, State R.W.D., Fort Scott, Kansas
Carl C. Conger, Rural Water District, Iola, Kansas
Mary J. Wiersma, Kansas Farm Bureau
Robert D. O'Shea, Farmers Home Administration
Morgan Williams, Farmers Home Administration
Perry Miller, Commissioner of Farm Organization
Ivan Shull, Retired Engineer
Gerald E. Hilmes, Division of Water Resources

The meeting was called to order by Senator Droge, Chairman of the Committee. He asked the staff to proceed with an outline of the proposals to be considered by the Committee. Mr. Jacka noted that the first page in the Committee notebooks included an outline of all proposals except one -- Proposal No. 63 -- which has only recently been added by the Legislative Coordinating Council. The proposals before the Committee were then outlined by the staff.

Proposal No. 1 was requested by the House Agriculture and Livestock Committee, and related to corporate farming. S.B. 227 and 394 of the 1975 Session, concerned this proposal. S.B. 227 would increase the acreage which a corporation could control or own for agricultural purposes from 5,000 to 10,000 acres. The staff noted that many state legislatures are studying corporate farming. He added that there is much information in the Committee notebooks.

Proposal No. 2 concerns alien ownership of property. S.B. 500 of the 1975 Session concerns ownership of property by non-citizens of the United States. It was explained that this proposal includes a study of agricultural land and property interests owned by aliens.

The staff then noted that Proposal No. 3, which concerns consolidation of rural water districts, will be considered today. It was noted that Representative Vogel had suggested the study of this proposal.

Proposal No. 4 concerns the Kansas Pesticide Use and Control Laws. It was noted that this is the third time that this subject has been studied. There is pending legislation -- H.B. 2001 -- which is the result of the last interim and session.

The Committee's attention was then directed to Proposal No. 63. This proposal is a result of the interim committee's planning session. Senator Droge and Representatives Vogel and Dempsey recommended that the Committee study the subject area of H.B. 2560 which was drafted last session. The subject of H.B. 2560 and Proposal No. 63 is to determine the desirability of licensing and regulating the sale and distribution of soil amendments.

Following the overview discussion the Committee's attention was directed toward Proposal No. 3. Chairman Droge introduced Mr. Keith Krause, Executive Director of the Kansas Water Resources Board, for an overview discussion of Special Water Districts. Mr. Krause thanked the Committee for their invitation and then introduced Mr. James A. Power of his staff to conduct the discussion.

Mr. Power distributed a short overview of all water districts in Kansas and a report called Special Water Districts in Kansas, dated September, 1967. He first discussed the report called "An Overview of Special Water Districts in Kansas" -- appended as Attachment I. Mr. Power called attention to the fact that Watershed Districts cover the greatest territory, followed by water districts and groundwater management districts, in that order. He noted that by the end of this year, there probably will not be a county in the State of Kansas that is not in some sort of special water district. He also noted that there are a number of instances where a citizen may be in two or more various types of districts.

Mr. Power then directed the Committee's attention to Table 2 of the publication entitled "An Overview of Special Water Districts in Kansas." From this table Mr. Power discussed the methods of organization of the various districts. The districts discussed were: flood control and drainage districts, levee districts, watershed districts, water supply districts, irrigation districts, groundwater management districts and sewer districts.

Mr. Power stated that the governing bodies of the various districts mentioned above are basically grass roots people with the exception of levee districts and soil conservation districts -- part of these are appointed by the county commissioners and part are elected. He added that within the publications provided to the Committee there are detailed explanations of the organization, powers, financing, etc., of the various districts. He explained that if a district is a single purpose type of district it has limited power and that if it has more powers he indicated that it has broad powers. He explained that watershed districts are the only ones with broad powers. Mr. Power was asked if watershed districts can actually put in water lines. Following this question there was a discussion concerning this subject, and the conclusion was that watershed districts can supply water but cannot be involved in the distribution -- the cities or water districts do that themselves. It was also concluded that the statutes set forth very broad powers, and could be interpreted to give watershed districts the power to also construct the water lines to distribute the water. He added that this had not been attempted by any watershed district and consequently had not been judicially tested.

Mr. Power continued by noting his study of special districts in Kansas had led him to the conclusion that at the time that many of the statutes were created, there was very little control at the state level. He added that if the state is to have effective water resources planning, there must be a better knowledge of the location and actions of the districts. He suggested that the Committee take a good look at the need to consolidate the ways in which special districts can be organized, and to insist on some sort of manageable organization. He used Douglas County as an example of an area where there are a number of drainage districts along the Wakarusa River, which are now included in the

watershed districts. He noted that they are working very well together, but he questioned whether the people within the districts should be doubly taxed. He suggested that if a broader district is organized it should take over the functions of the local district management. He added that there is a need to continue some part of the drainage laws, particularly along the larger rivers. He noted that there may be a pressing need in the future for bank stabilization along some of these rivers.

In answer to a question from the Committee, Mr. Power stated that, as far as he knows, all drainage districts in Kansas are surface drainage districts. In answer to a further question, he said his information concerning boundaries of districts was obtained from the county clerks, people in charge of the districts, or from the files of the Water Resources Board.

Problems involved in updating the information about water districts were said to include expirations of charters without the district knowing about them, and a need for better records in the county clerk's offices and in the Secretary of State's office. He stated that perhaps an updating of records and/or a change in the method of record-keeping was necessary. Mr. Power stated that the only way his office can get a good idea of the boundaries of special districts is to go to the local people. He assured the Committee that, in spite of the lack of coordination, there has not been a great deal of overlapping in district boundaries.

A member of the Committee made an inquiry concerning the rights of rural water districts where a portion of land is annexed by a city. It was revealed that there is a necessary period of negotiation to determine the indebtedness remaining on the water district property. It was then noted that the city must take over the water system of the property annexed. Mr. Power said that there are further complications caused by the fact that the city needs to upgrade services to the rural property being annexed -- such as fire protection.

Mr. Krause then presented his comments on water oriented district structures in Kansas. A copy of which is appended as Attachment II. In the discussion following his presentation, he stressed that his board did not want to suggest legislation making it mandatory for various water districts to combine, but that he did recommend enabling legislation. He said his organization feels there would be advantages in consolidation but that the final analysis should be left up to the local people.

A member of the Committee asked if the law that allows intergovernmental cooperation for common problems is broad enough to cover the problems being discussed at this meeting. A staff member noted that the law covers specific functions listed in the act. Another member of the staff examined the law and stated that recent amendments contemplate some of the problems before the Committee by defining "public agency" as including this type of district. He observed that further amendments might have to be made to make it feasible.

There followed a discussion concerning the problems of consolidation of water districts. It was suggested that statutes would have to be examined, because in some instances there is no way to dissolve districts in order to reorganize. Some statutes have been amended so that this is possible, but probably not in all instances. Mr. Krause stated that local districts are negative about consolidating. He added that this is going to be a necessity in the near future because some districts are going to be out of a water supply.

Further discussion concerning consolidation of districts revealed that financial obligations incurred seem to be one of the major problems in consolidation. It was noted that water districts do not have the power to tax, and their bonds are paid from fees. It was agreed that there is some benefit in having the power to tax, and observation was made that a benefit district tax can be spread over a period of years. A Committee member noted that the State of Iowa has, over a period of years, gradually worked out a plan by which residents are taxed according to benefits received. One Committee member commented that he felt this is the only fair way to pay for such benefits. Mr. Krause said that, generally speaking a municipality benefit districts' capital improvements are supported by the district and maintenance is spread over the entire municipal assessment. Following this discussion the Chairman recessed the meeting until 1:30 p.m.

Afternoon Session

Chairman Droge called the Committee to order at 1:30 p.m. and asked Mr. Morgan Williams, from the Farmers Home Administration to testify. Mr. Williams handed the Committee two reports: the first, 1975 Progress Report, was prepared in May, 1975; the second, dated June 26, 1975, gives updated information. These two documents are appended as Attachment III. Mr. Williams then reminded the Committee that rural water districts have been in existence in Kansas for more than twenty years, and that the state was a pioneer in the development of this program. Most of them operate under a law passed in the late 1950's, which created water districts that are quasi-municipalities. Most water districts are controlled by a Board of Directors elected from its owners and users. They are not able to attract private financing, because interest rates are too high. The Fm.H.A. operates as a lender to assist districts from the beginning, and also to continue that assistance. Fm.H.A. does not control the Board of Directors nor the operation of the district, there are certain things, set forth in its mortgage, which the water district cannot do without the approval of FmHA -- for example, raise rates. Water districts have by-laws and articles of incorporation like other corporations. The government neither owns, operates nor controls them. A Board of Directors is elected at their annual meeting. The ultimate authority for the operation of that district lies with the Board of Directors.

This Board does not get paid. Decisions are made by them concerning where they do their banking, their bidding, their contracts, who their attorneys or engineers are, and etc. At this point the Committee asked questions of Mr. Williams. In answer to some of these questions, it was revealed that 50 or 55 small towns in Kansas are connected to rural water districts, and that these districts can float revenue bonds after they are completed. Their security is a note or mortgage. They borrow no more than \$5,000 or \$10,000. Mr. Williams explained that the water district first borrows the construction funds from the bank while the district is being built. The Fm.H.A. makes a loan to the district and they reimburse the bank. The bank gets a simple interest rate which cannot be over six percent. He added that it is now about 5½%. This is tax free income to the bank because it is a municipal rate.

An example was given of two water districts currently being built in Mitchell County. The Fm.H.A. is going to put in about \$6,000,000 for these projects. Mr. Williams said he thinks this will generate more activity for profit than anything else that could be done in the area. He said a purification system is going to be built on the reservoir; that there will be 800 families plus eight towns served by these two water districts. There are about 2,500 families in the towns, and the two districts cover parts of five different counties. Not every square mile is going to be served, but most of the area will be, except Beloit. One of the districts is going to build the treatment plant and sell to the other. Mr. Williams noted that a big problem is that there has never been enough money in any one year to build an entire district. It has been necessary to build a section at a time.

Mr. Williams said that in Montgomery County there are twelve water districts funded and two more wanting money. In Fort Scott there is one system for the whole county. He noted that if the Fm.H.A. had to do the work over again, they would try to have big systems rather than many small systems. He stated that he would like to see legislation that would allow districts to merge if they so desired. He noted that rural water districts were originally designed to serve only small areas, and now they are evolving into big business. This is due to the move of urban population to rural areas, and the demand for city-type service. Another problem facing the changing population are higher water bills. The monthly bill averages \$25 in Mitchell County. Grant funds are available for one reason -- to keep the water charges at a reasonable rate. Mr. Williams said no grants have been given during the past year to existing districts unless the water bill was as low as \$23-25. The minimum cost is \$8.00 to \$10.00. The difference in costs in the rural areas is the amount of hookups per mile. In Mitchell County there is one consumer per mile, while in the city there are many consumers in a similar area.

There was further discussion concerning complaints about monthly costs to the consumer, and a member of the Committee commented that some farm wells are contaminated; and further, that a well is also costly to the farmer.

Mr. Williams was asked about the refusal of certain water districts to add customers. He said his theory was that the State of Kansas has given rural water districts certain geographical lines and they have a moral obligation to serve everyone who wants water. He said that some of the local Boards either feel that they should not accept people who did not want to be in the district originally, or that they feel they should not have more than a certain amount of hookups on the water line. He added that if the problem is not solved by local boards by 1980, he feels they are not meeting their obligations. He encourages them to hire professional people, and have a central place to pay bills, etc. He is also urging all water districts to make plans right now as to where they need to be by 1980. Some of the districts are going to have a problem as to where to get adequate water. In Fort Scott they have never turned anyone down. They started out with 66 users and now they have 1,100 users, with four loans from the Fm.H.A. If the Board of Directors does not come to the Fm.H.A. for a loan they cannot be forced to expand their system.

A member of the Committee asked Mr. Williams how he would change the present law to make it more workable, and why he thinks the law needs changing. Mr. Williams said it is his understanding that the present law does not allow two water districts to merge. He feels that it is necessary to allow this. He added that he has copies of laws passed in Missouri and Nebraska which would change that. Mr. Williams added that if water districts could merge they could hire professional people and could give better service. He said he would not like to see rural water districts regarded as a public utility and placed under the control of the Kansas Corporation Commission.

Mr. O'Shea also of the Fm.H.A. answered some questions from the Committee. He explained that the Fm.H.A. does try to help districts to find adequate water supplies, and that this is checked before a loan is given. He estimated that 5,000 to 7,000 gallons of water per month will be used by each unit. There are 20 or 25 percent of the water districts which get their water supply from municipalities. Mr. Williams observed that some cities do not like to sell water to rural water districts, because they prefer to keep people within the city limits. He added that he would like to see more cities selling to rural water districts, because it would benefit both sides. The city could make a profit, and there would not be so many treatment plants and wells in the state.

Mr. Williams reiterated problems facing rural water districts: (1) to give the kind of service people are demanding today; (2) more people in rural areas; (3) high water prices;

(4) developers in rural areas who want instant service; (5) need of professional management in water districts. Mr. Williams suggested that it might be well if the intent of the legislature could be made known to water districts that they would like for them to serve everyone possible and to give good service. He suggested that the state does have an interest in the districts, because the legislature created them, and they are now being given state grants. He suggested that this intent might be done by resolution.

Because of various problems arising concerning amount of debt, rates, etc., a question was raised about how legislation could give consolidating powers. Mr. O'Shea observed that the Nebraska law requires sub-districts with a director from each sub-district and that a majority of users or members in each district must vote for consolidation.

There was further discussion concerning consolidation of water districts. One question that arose was that of the wording of the legislation to eliminate problems, such as those concerning the disbanding of existing districts. There was question concerning whether the procedures of disorganization and consolidation should be set out in the original legislation. The Committee Chairman suggested that he would like to see a plan sketched out by the Fm.H.A. in which the bills are paid by the people who incurred those bills within the districts. Mr. Williams agreed that his organization would need to be involved because the districts need Fm.H.A. approval in order to get further financing. He noted that most public utilities do not have separate rates. They do not charge new users more than those already being served. It was agreed that those users whose rates might be increased by consolidation would not want consolidation.

During the discussion, a member of the Committee observed that he felt there was something in the original legislation which said that all members should be treated equally. He added that in the rural water district in his area, people who hookup now are charged much more than those who were in the original hookup. Mr. Williams and Mr. O'Shea explained that they felt this might be treating the people equally, because those who do not sign up when the water system is first built cost that system; and also, that costs are increasing each year, and it actually costs the district much more to add customers than it did at the beginning.

It was suggested by the Committee Chairman that Mr. Williams and his organization come up with a plan for district consolidation, and Mr. Williams agreed to do so. He asked for permission from the Committee to have until September to have the plan available. It was agreed that this would be satisfactory. Mr. Williams then thanked the Committee for the legislation passed concerning state grants to rural water districts. He observed that the state will get \$25,000,000 back in economic investment because of the \$2,000,000 in grants. He added that his organization

was able to get about two times as much money from the Federal Government for Kansas because of the state's grant money.

The Chairman called on Mr. Ivan Shull, Retired Engineer, to discuss problems of certain water districts in eastern Kansas. Mr. Shull explained that he planned to deal primarily with the social and political implications of the water problems. He noted that, in Johnson County, there are only two sources of community water supply -- the Kansas River and the City of Olathe. In 1938 a small privately-owned water supply attempted to serve the Johnson County subdivisions. In 1950 it became apparent that the company did not have the financial resources to expand the supply to meet the demand. Because of this they proposed to sell to a water district -- under Chapter 19, Article 35. That law has subsequently been amended to make it applicable to Miami, Franklin and Wyandotte counties. The law is not applicable to Douglas County. It envisions having a full-blown urban demand. You have to get 1,000 signers to a petition. The Johnson County Water District has served the area well. None of the municipalities have any supply of their own -- they all get a water supply from Johnson County Water District No. 1.

Mr. Shull continued by observing that as one goes south of Olathe there is a question of the practicability of pumping water from the Kansas River. To the west, the area is outside the boundaries of that original district. Mr. Shull stated that the original district was created to serve a reasonable area and that the growth of the area beyond the district has posed many problems. In 1961 the legislature enacted the Johnson County Wholesale Water District. This envisioned the creation of a water district throughout the county. He stated that this legislation was never utilized. Part of the problem, according to Mr. Shull, was that there was not any acceptable method of financing the original investment. He noted that financing lies at the base of most of the problems in Douglas and Johnson counties. If the water districts cannot be financed with revenue bonds the financing becomes very difficult.

At this point, Mr. Shull suggested that Kansas might follow the lead of Texas and Wisconsin -- set up a revolving fund at the state level where districts could get loans to build improvements, these loans to be repaid at a later date. He noted that Texas had a fund of about \$2,000,000.

Mr. Shull called the Committee's attention to the fact that Douglas County is facing problems at the present time. The City of Baldwin needs a water supply. Mr. Shull stated that, in his opinion, the water that has been impounded in Clinton Reservoir might well be utilized so that all people can use it. The City of Lawrence has pledged its resources to pay the state for water storage, and that city has a vested interest. Mr. Shull speculated on the possibility of creating a wholesale water district, and persuading the City of Lawrence to become the wholesaler in the area.

At this time, Mr. Shull commented on an earlier discussion before the Committee concerning the annexation of property to cities. It had been mentioned that cities have had difficulty annexing areas, and that some cities have made annexation a condition to providing services such as water supply. He suggested that this probably is a sensible solution -- that it is reasonable to have certain areas annexed to a city when they are provided all the city services.

Mr. Shull suggested that there is another problem related to water supply -- that of sewers. He stated that perhaps there should be utility districts established in which water and sewers are provided at the same time. It might make it possible to define the service areas and make the utility responsible for providing both services within a certain district.

Consolidation of water districts was discussed further by Mr. Shull when he reminded the Committee that new Federal drinking water standards require that there be public notice in the paper if there is any contamination found. Therefore, all water districts will have to sample their water regularly and rural water districts are not set up for that kind of thing. Consolidation of management would help to solve this kind of problem.

According to Mr. Shull, there is some question whether the Fm.H.A. type districts should be permitted to be used in urban areas, such as developments outside cities. He suggested that the legislature could get a list of counties that have been declared urban; then it becomes incumbent upon that county government to develop plans to provide water services in those areas. He added that in his opinion the legislature will have to provide some state money.

Mr. Shull had a suggestion concerning consolidation of water districts. He observed that a statewide series of service areas could be developed, and the existing districts could be given a designated period of time to consolidate willingly. If that is not done, the legislature could provide for the consolidation to be done by some competent agency of the state. He added that, with ground water resources in such short supply it will soon be necessary to go to the main streams for water supply.

There was a general discussion concerning problems facing rural and urban water districts and the difficulty in getting water supply. It was explained that the City of Baldwin is in a position where it will have to build a dam or get water from Clinton Reservoir, which is a distance of about twelve miles. It was agreed that it is a little absurd for every community to build its own source of water, and that whatever is causing the climate of distrust between cities and rural water districts could perhaps be eradicated. One suggestion was that maybe rates should be subject to Kansas Corporation Commission review. Mr. Shull noted that the best source of water for Douglas

County, would be the Kansas River or Clinton Reservoir. It was revealed that the City of Lawrence has spoken for 70% of the compounded water in Clinton Reservoir.

According to Mr. Shull, recent legislation has prohibited developers from taking water from public reservoirs. He also mentioned that sewage disposal along reservoirs can become a problem; and suggested that sewers along shore lines should be built as the dam is being built.

Mr. Power was asked to comment on water supply in connection with the Clinton and Hillsdale projects. He said that Lawrence and Baldwin and about three rural water districts have applications to purchase water from Clinton Reservoir. Lawrence is contracting with the Corp of Engineers to put a pipe through the dam and have been studying developing a water treatment plant below the dam. He added that there is a lot of concern about how Lawrence will treat its neighbors.

Mr. Power continued by stating that seven to nine entities are thinking about a single water treatment plant and water distribution from Hillsdale Reservoir. This is in Johnson and Miami Counties.

In connection with the City of Lawrence having contracted for water from Clinton Reservoir, Mr. Power said that there are no legal requirements to force Lawrence to sell to other entities -- that it will have to be done by persuasion.

Mr. Shull concluded his presentation by reiterating that wherever there is a water supply it is necessary to have sewers, and since the public is reluctant to pay for the services it might be necessary to combine the two services to make both less expensive.

Mr. Carl Conger, Fort Scott, Kansas was then asked by the Chairman to make a presentation of his views. He noted that one of the things his organization is interested in is the relationships between cities and rural areas. One of the problems he encounters is that of cities trying to limit water districts to within so many miles from any other source. Because of that problem, his organization decided to concentrate on educating people by calling to their attention the fact that everyone is involved in rural water districts and everyone benefits. He added that he belongs to a rural water district that started with nine members, and there are now 14 members. However, three of them brought in \$500,000 of gross income to the community, and he estimated that 90% of that money was spent in the area.

Mr. Conger's comment concerning annexation was that he has no quarrel with it so long as a city will provide services to the property annexed.

Concerning the problems of growth, Mr. Conger said he felt that the problem could be partially alleviated by having

legislation to permit consolidation. He added that he did not feel the merging of districts should be made compulsory. He observed that many rural water districts combine services such as maintenance, building, collections, inspection, etc., without legislation. Mr. Conger promised to work with the legislature and the Fm.H.A. to bring about permissive legislation.

Mr. Conger asked Mr. Dickerson to make some comments about the problems being discussed. His first comment concerned the booklet given to the Committee concerning water districts in Kansas. He said that updated information would be available by the time the legislature convenes in January. He then made a suggestion concerning possible consolidation of water districts. The Board of Directors, at their annual January meeting, could set up a budget and review activities, and bring it to the membership in February. At the annual Board of Directors meeting in January, they could discuss the possible merger. They could set up the procedure for merging, and the membership could be properly notified in February and could vote on it. If they approved the merger, the Board could return to the County Commissioners with a petition and have another hearing. After the hearing -- if it is favorable -- the water districts would be merged, and would have one rate. The Board of Directors and the membership would have to approve it.

Mr. Dickerson continued by stating that there are three water districts in Bourbon County, and he manages all of them. WD #2 and WD #3 are small, with 80 and 160 units, respectively. They come together within 1,000 feet with a two-inch line. Mr. Dickerson said a merger has been discussed. He added that something can be worked out with the same rates if the rates in the two districts are close enough. Perhaps they could be merged with different rates and gradually work them together. Mr. Dickerson commented that, regardless of the cost, people who apply will have to be served, in spite of the provision in the by-laws that service can be refused to anyone.

Further commenting on the merger of District 2 and 3 in Bourbon County, Mr. Dickerson stated that those two districts can borrow money on additional users without getting a state or federal grant. He said that WD #1 has expanded in that way. The district had 66 users in 1962, and today there are 1,100 users and there have been four loans from the Fm.H.A. On the third loan there was a \$130,000 grant and on the fourth loan of \$967,000 there was a \$35,000 grant.

Mr. Dickerson stated that, if the local people do not take care of their water problems the Federal Government is going to do it. Originally, the legislature designated the County Commissioners as the governing body to give authority to organize water districts. The Commissioners granted authority in the spirit of being "good guys," and in so doing, gave the rights

without studying the problem. Now the gap needs to be closed, and the districts need to go before the county commissioners to reorganize. Mr. Dickerson feels that a lot of problems can be solved by good sound thinking on the local level. If the local people cannot solve the problems, the county commissioners or someone on a higher level will need to step in.

Mr. Dickerson stated that there are problems being created within water districts because of septic tanks, and that this will continue to be a problem in the future.

At Mr. Conger's request, Mr. Dickerson commented on some of the problems previously discussed before the Committee. Mr. Dickerson stated that one answer to the problem would be full-time county engineers in all counties. This would provide some of the proper supervision over planning, zoning, etc.

Mr. Dickerson informed the Committee that his county is looking at some of the other states in the development of water districts. He warned that there are so many rural water districts being built in Kansas that the Fm.H.A. is not going to be able to provide adequate supervision and training, so it might be necessary in the future to establish a Commission for this purpose. He added that the Association in Oklahoma is getting \$45,000 a year to staff the development and planning in the Rural Water District Program. He said he was not ready to recommend this for Kansas. When asked what percent of the state's rural area is in Rural Water Districts, Mr. Dickerson had no specific answer, except to say that there is a good deal of area in rural water districts in eastern Kansas, but that there are still good wells being used by residents of western Kansas. This completed the presentation of Mr. Conger and Mr. Dickerson.

A member of the staff asked the Committee for suggestions for subject matter to be covered at future meetings. A member of the Committee suggested that morerural water district representatives be contacted to appear. Another member suggested that the Johnson County problems be studied to a greater degree -- and that the Committee review that problem as it came before the Natural Resources Committee of the 1975 Legislature. The Chairman asked the staff to look into the Nebraska law, because the members of the Committee seemed to like the idea of having sub-districts within a larger merged district. He confirmed that in this way the original smaller districts could retain their identity. He also asked the staff to examine minutes from Committee meetings during the 1975 Session of the Legislature. A staff member commented that a bill introduced by Senator Winter would probably achieve some of the things the Committee is considering, and agreed to check records to find out. Mr. Power explained that the bill introduced by Senator Winter had to do with the Hillsdale Reservoir. He said it had something to do with the problem of selling water to both cities and rural water districts. The districts needed legislation to allow them to go together on the construction of an intake. Senator Droge suggested that the Committee talk to

individual constituents in the area being discussed. Mr. Power suggested that they might also want to talk to someone from the Lawrence area and Clinton Reservoir.

Chairman Droge recessed the meeting until 9:00 a.m.
June 27, 1975.

June 27, 1975

Conferees and Observers

Robert A. Bohannon, Kansas State University Coop. Extension
Frank Bieberly, Kansas State University
Pat Boyer, Department of Agriculture
Freeman E. Biery, Department of Agriculture
John Wicklund, E.P.A.
Dave Menotti, E.P.A. (Washington, D.C.)
C. E. Poindexter, E.P.A.
John Blythe, Kansas Farm Bureau
Norman Besheer, Gunter Exterminating Company
James W. Augustine, Augustine Exterminators

Morning Session

Chairman Droge called the Committee to order, and asked staff to briefly review the changes made during the last session in H.B. 2001, relating to the application of pesticides. A member of the staff explained that he would call the Committee's attention to the changes made in the Senate Committee, those being the most recent changes.

The first change made was on page 2, line 30, and was made to read "Secretary or the Board." The staff member stated that both the Secretary and the Board were given authority to designate restricted pesticides in the event that it becomes necessary for emergency regulations to be enforced. In this case, the Secretary could make an emergency designation and not wait for the meeting of the Board.

The Chairman stated that there had been a question about why the state could not accept the federal list of restricted pesticides without the state making it law through rule or regulation. The staff member answered that Article 2 of the Kansas Constitution says the legislature cannot give to another body the authority to adopt legislative type lists that would become our law. To give the Federal Government power to say what our restricted list of pesticides will be is to give them the power to

legislate. The staff member continued by saying that the bill drafters attempted to give the Secretary of the State Board the authority to adopt the federal list with any changes he deems necessary. He added that the speed in which emergency regulations are adopted depends on the Attorney General, but that they can generally be adopted within a week. A member of the Committee speculated that rules and regulations can be made immediately and made retro-active in exceptional cases.

On page 4, line 8 of H.B. 2001, the staff stated that the word "secretary" should have been left in the bill, to be in line with the change on page 2, line 30.

On page 3, line 9 the words "or governmental agency" were added by the Senate Committee. This was to benefit local governments, and this change was made to correspond with the rest of the bill.

On page 3, line 23, the words "restricted use" were added to restrict the application of the bill to the regulation of restricted use pesticides only, and not general use pesticides.

On page 4, line 3, the staff noted that a change needs to be made to be consistent with the rest of the bill.

On page 4, line 26, the change to "secretary" was made to be consistent with the rest of the bill. A Committee member commented that it could read "secretary or board."

On page 5, line 7, the entire line was deleted because it was felt to be a duplication of the next line; and also because it was not the intent of the bill to control services where restricted control pesticides were not being used.

On page 5, line 9 and line 11, the word "restricted" was included to clarify the intent of the bill. The staff was asked how this would affect the number of businesses that would be licensed. He answered that he had no idea, but that he could not conceive of any businesses now operating that did not use some form of restricted use pesticide. He added that he intended to ask the people from E.P.A. about their opinion of this problem.

On page 5, line 22, the fee was lowered from \$15 to \$5. There followed a discussion of the feasibility of this change. The Committee asked Mr. Freeman Biery, Director of the Weed and Pesticide Division of the State Board of Agriculture to comment. Mr. Biery said he did not think it would make a great deal of difference to the financial operation of his department.

On page 6, line 10, the words "restricted use" were included to be consistent with other changes.

A Committee member raised a question concerning the term of the certification and the amount of the fee. The staff stated that the section relating to the farmer who gets a certification is a Section 8 on page 12. After some discussion, it was pointed out that the term of the license is actually three years, since it expires at the end of the second calendar year following the year of issue. This is in accordance with farmers' wishes.

A member of the Committee added to the above discussion by saying that the farmers were thinking about the cost of the program, and they felt the \$5 fee would not be very much -- they want to pay their fair share. Mr. Biery said the \$2 fee would bring in \$90,000 in a three year period, and a \$5 fee would bring in \$225,000.

In further discussion of the above mentioned section, it was suggested that many Kansas farmers will be certified under the law. Mr. Bieberly explained that KSU has a study project under way which is funded by EPA to evaluate five different methods of training farmers. He added that they are surprised at the number of farmers who are interested, and at the amount of knowledge concerning pesticides which the farmers possess. He explained that the present testing program is not a closed program -- but a sample of all farmers in Kansas based on size of farm, education, age, etc.

On page 13, Section 9, the requirement for examination is eliminated, and lines 13, 14 and 15 have been inserted to be used in lieu of the examination.

On page 19, line 1, there is a clean-up change. This is the unlawful act section. Since it is not mandatory that equipment be registered, the phrase "if registration is required" was added.

On page 19, line 28, the words "pest control" service were included instead of "involving the application of pesticides." The customer statements will be required for any type of pest control service. A Committee member asked what is included in this statement. Mr. Biery answered that it is similar to what is required in the present statute -- the formulation used, the type of pesticide, etc. He added that he recalled that the Federal Government pressed the state to get a report on work done so they know where the pesticides are used. This includes only a restricted use pesticide. The staff observed that the notes of testimony before previous Committees may show the reason for the change in wording.

Section 18, on pages 19 and 20, was discussed thoroughly. Mr. Biery stated that pest control people who deal with structural pests have concern over sub-section (4) because much of their industry depends on trade secrets. Senator Droge asked if the wording might be changed so that it merely identifies the product. The staff replied that it would be necessary to ask the federal people about that.

The Chairman asked if anyone present who is in the business of pest control would like to comment on this section. Mr. Augustine, of Augustine Pest Control, said the only way his business could comply with the wording in H.B. 2001 is to carry a complete set of labels and give to the customer. He said it would be uneconomical because several different mixtures are used. A Committee member said he thought the problem which brought about this section was whether water or oil was being used in the application. The Chairman added that it was also for the protection of the person asking for the service. Mr. Biery explained that his department is not proposing anything specific -- only trying to put two laws together. He said he does not defend nor criticize the wording. He said the similar wording in the Pesticide Use Law has given the department no problems.

Mr. Augustine interjected with an explanation of structural pesticide control, stating that there are two kinds of work being done -- that of termite control, which can be contracted ahead of time, and other types of pest controls, where it is impossible to give an estimate because there is no way of knowing the amount of work needed until the job is under way. He noted that records are kept by his company of the amount of pesticide used, and a list is made on the service ticket for company records.

On page 20, line 29, (4) was deleted as a requirement because it was felt to be unnecessary.

On page 22, line 10, the wording makes it clear that the secretary has discretion to require certain things, instead of making them an absolute requirement of the law.

This completed Mr. Alderson's explanation of changes made by Senate Committee in H.B. 2001.

A member of the staff then gave a short overview of the Federal law -- Public Law 92-516 -- contained in the Committee notebooks. With reference to Section 3, page 7, registering of pesticides, Mr. Jacka explained that during testimony last summer it was agreed by the EPA that Kansas should concern itself only with the Pest Control Act and Pesticide Use Law and work with the third law in Kansas at a later time. The staff noted that the Kansas Agricultural Chemical Act will have to be updated sometime in the future.

In connection with Section 4, on page 11, a member of the staff explained that the first interim study committee wrote a letter to the Governor asking him to designate an agency to be responsible for the state plan. The Governor designated the State Board of Agriculture. The staff also called attention to subsection (b) in this section, which provides that when the administrator withdraws the approval of the plan it takes away the sale of restricted-use pesticides in Kansas.

According to the federal act, the state plan needs to be submitted to the EPA by October 21, 1975; these, in turn, can be approved by October 21, 1976, which is designated as the effective date of the federal act.

Mr. Biery of the State Board of Agriculture continued the discussion before the Committee by distributing plans his Board had prepared for the federal EPA. A copy of these plans is appended as Attachment IV. He explained that the legislature had asked him to keep abreast of Federal requirements, etc., and this is the plan which he has compiled, following the Environmental Protection Agency plan.

A member of the Committee asked a question concerning sub-section (4) on page 15 of the proposed state plan. Mr. Biery indicated that illiterates should not be classified. He was told that the reference to Spanish may raise some questions from Mexican Americans. He agreed that this should be changed, because discrimination is involved.

The Chairman expressed appreciation to Mr. Biery for the work he had done. He then asked if Mr. Biery had any communications from interested parties with opinions concerning H.B. 2001. Mr. Biery answered that there had been very little conversation from industry; but that he had asked them to address their feelings to the legislature. Senator Droge then commented that one of the reasons H.B. 2001 was not passed last session was because of rumors that the Federal Government was going to make changes in the proposed federal law.

Mr. Biery explained that his proposed plan was based on H.B. 2001, and that if any changes were made, he would revise his report to the federal agency. He added that the EPA has basically approved H.B. 2001. There was discussion concerning whether changes would be made, and the staff indicated that there will be some amendments required because S.B. 530 amended some of the provisions of Article 24 of Chapter 2. The Chairman then outlined the order of business for the afternoon and recessed the Committee until 1:30 p.m.

Afternoon Session

The Chairman called the meeting to order at 1:30 p.m. and introduced Mr. John Wicklund, of the Federal Environmental Protection Agency. Mr. Wicklund, then introduced Mr. Menotti and Mr. Poindexter both of EPA. Mr. Wicklund, in answer to a question from the Committee, stated that 33 states have passed or already have adequate legislation. He left a list of these states with the staff. Of the states in this region, Iowa and Missouri have legislation; Kansas and Nebraska do not. Mr. Menotti explained

that many of the states which had adequate legislation were states with very broad statutes, and that they would need to make some changes in rules and regulations to comply with the new federal legislation. He said he was aware that the Kansas law had to be changed because there was no way the state could comply with the new federal law without going back to the legislature.

Mr. Wicklund and Mr. Menotti stated that there was little chance that any of the recently proposed amendments to the federal law would be passed, according to knowledge they had by reason of appearing before the House Agricultural Committee in Congress.

A member of the staff asked Mr. Wicklund to explain private certification to the Committee, and any possibility of revision concerning private certification. Mr. Wicklund answered that the concept of revision began in the National Association of State Departments of Agriculture, with the idea that the farmer would sign a statement that he was professional. Quite a few states thought this was sufficient and pushed hard in Congress. Mr. Wicklund added that the EPA persists in the concept that they do not require a written test. He said his department does have four plans prepared, both for private and commercial applicators, and these are being made available to K.S.U. The grading is a state matter.

Mr. Menotti explained that legislation is cast in very general terms in various states. The Georgia proposal has a number of options available to the farmer, one of which is training followed by a written exam; another is examination without training; and a training program with anonymous review questions after a lecture. The instructor would then go through the questions and give the proper answers, and the people taking the test could check their answers to see if they are correct. Missouri has a plan by which a man signs his name when he purchases pesticides, and is certified -- and another plan by which a man is certified only once and this certification is valid forever.

There was discussion about the October 21, 1975, deadline for submitting a state plan. Mr. Wicklund said that in the regulations that were published in the Federal Register, there was provision for a contingency approval of a state plan while legislation is pending. There is a question -- where is the legislative authority for the Department of Agriculture to do something that the state has not funded or approved it to do? The second problem is that the EPA has a good sized sum of money to give to Extension Services in the 1976 budget. If Kansas does not have a plan, Kansas State University is not going to know what to do with the money or how to train people. Mr. Wicklund added that there has been no clear-cut support for an extension of time in the effective date of the Federal law, so if nothing is done by October 21, 1976, some groups could be hurting.

A staff member asked Mr. Menotti a question concerning delegating authority to someone to adopt the federal list of pesticides. Mr. Menotti said that some states enact it in their statutes in the definition of restricted use pesticides. He noted that other states have written their law to read "restricted use of pesticides and pesticides so classed by the Commissioner" -- authority is created for the Commissioner to class pesticides and authority is given for purposes of uniformity to adopt by reference the classification of pesticides. Iowa has said that "restricted use chemicals shall be classified by the legislature and any others are classified as time passes." The staff commented that a similar approach has been taken in Kansas, and Mr. Menotti said that approach is acceptable.

A Committee member added that classification of pesticides has to come by rules and regulations and have to be approved by the Kansas Legislature in the final analysis unless it is an emergency regulation. Another member noted that the regulation can go into effect immediately and then the legislature approves it. The staff explained that the Kansas law was altered to switch rules and regulations powers to the Secretary of Agriculture. He continued that the Secretary can adopt regulations within a week and the Attorney General can approve, and the Revisor's office can publish immediately.

Mr. Menotti suggested that most of the classification activity will take place in the first two years. After that, there will be only new products and old products which have problems not previously known. At the present time, only 6.5% of ingredients in insecticides are regarded as restrictive use ingredients. There is a possibility that the list will be expanded.

In further discussion, it was revealed that probably most farmers will be using restricted pesticides. A Committee member expressed an opinion that most farmers will want to know what the restricted pesticides are and will want to take an examination. Mr. Wicklund agreed, stating that New York is a limited example, but that they have certified 20,000 private applicators. In answer to a question, Mr. Wicklund said most states are charging something for certification -- he added that he would find out more information for the Committee.

The representatives from the EPA said that they assumed they would not have a very complete list of restricted use pesticides until October 21, 1976.

There was a brief discussion concerning pollution caused by household products going down the drain, and the difficulty for rural people to understand why agricultural use chemicals need to be controlled to such a great degree. Mr. Menotti agreed that household use products do cause problems, and are being controlled more and more by packaging.

It was revealed that it has been a very common practice recently to license or register dealers in pesticides. Sometimes they are only required to keep records. In the State of Washington pesticide dealers are required to take an examination. The principal reason for this control is that pesticide dealers are providing 50% of the recommendations for pesticide use. Mr. Wickland said the State of Iowa licenses every dealer and the State of Missouri licenses dealers of restricted use pesticides. He added that he is an advocate of dealer licensing. If the state does not cover this there is a gap in the federal law. The state can see to it that legitimate dealers stay that way.

During further questioning, Mr. Wicklund revealed that classification of pesticides will be as to the use of a particular ingredient. The federal act requires separate packaging and labeling for different mixtures. For instance, if 2-4-D has restricted uses, that is labeled on the container. The Federal Government has authority to specify packaging for safety reasons.

A staff member asked Mr. Wicklund when it will be necessary to bring the Agricultural Chemical Act into compliance with federal law. Mr. Wicklund said there is a provision of the federal act called 24 (c) which allows the state to register minor uses of insecticides. He said he had not gotten any comments about the registration act, but that it would be necessary to pick up the authority to register under 24 (c). Mr. Menotti said it would require a judgment from the legislature as to whether the Kansas law would need to be changed to comply. He further explained that provisions of that law, stating that eventually all pesticides would have to be registered under the federal agency. Mr. Wicklund observed that if the state is in compliance with 24 (c) and there was a particular problem in the state in which a compound is needed for a use not stated on the federal label, with the recommendation of Kansas State University, the state could get the product registered within one day. Mr. Menotti added that if the state wants authority to register new products, a hazard review is necessary, and this requires some authority which the state does not have now.

Answering a Committee member's question, Mr. Menotti said that once a plan is submitted to the federal agency, it is almost automatically approved, because the federal people work so closely with each state in drafting the plan. There is a 30-day period while the agency is waiting for comments. When asked if the present bill would meet federal approval, Mr. Wicklund said he had made comments on the bill and had given them to the staff. He suggested that it would be well for the staff to present these comments at a later meeting.

The Kansas State University representatives, State Board of Agriculture staff, and the Committee and staff had a prolonged discussion concerning the contingency plan and when Kansas could begin operating to educate farmers. It was finally agreed that there was nothing in the foreseeable future

that would make drastic changes in the present proposal, and that plans could be made to go ahead when the contingent plan is approved by the federal agency. The Chairman then thanked the representatives of the Environmental Protection Agency for their presentation.

It was decided that the next meeting of the Committee would be July 21 and 22. Suggestions were made to include information given today by the EPA concerning pesticide legislation at the 10:00 a.m. meeting on July 21; S.B. 500, concerning alien ownership, at the afternoon meeting on July 21; and H.B. 2560, Soil Amendments, at the 9:00 a.m. meeting on July 22. It was also suggested that the problem of brand inspection be included, if possible -- a request by Senator Simpson. In connection with the problem of Soil Amendments, suggestions were made to include the following in the hearing: County agents; users, if possible; Kansas State people, dealers; someone involved in Consumer Protection in the Attorney General's office; fertilizer and chemical dealers; and the control division of the State Board of Agriculture. It was decided that the Chairman and Mr. Jacka would work out an agenda and mail it to the Committee, along with any other information needed before the next meeting.

The Chairman then adjourned the meeting until July 21, 1975 at 10:00 a.m.

Prepared by Donald L. Jacka, Jr.

Approved by Committee on:

7/22/75
(Date)

AN OVERVIEW OF
SPECIAL WATER DISTRICTS
IN KANSAS

By

Kansas Water Resources Board
Before Special Committee on Agriculture and Livestock
June 26, 1975

OVERVIEW OF SPECIAL WATER DISTRICTS IN KANSAS

Every citizen of Kansas is affected not only by traditional federal, state, and county government and other special organizations such as school districts and municipal special service districts, but he may also be affected by one or more of 20 types of special subdivisions of government which are allowed under the Kansas statutes. In fact, according to a U.S. Census report, Kansas has more special districts than 46 other states. Nearly half of the special district allowed under the laws of the State of Kansas, are directly or indirectly related to water and land resources. The Legislature has authorized the creation of:

drainage districts	rural water districts
irrigation districts	soil conservation districts
watershed districts	sewer districts
levee districts	water supply districts
	groundwater management districts

Summary of Special Districts

The Kansas State Planning Board in 1939 reported the existence of 68 special water districts organized in 26 counties in the state. Excluding the soil conservation districts there were in 1967 347 special districts organized in 78 counties in the state. Currently, that number has increased to 448 in 87 counties.

Summary of Activities & Function of Special Districts

The method of organization, how governed, powers granted, types of programs undertaken, and financing vary with the type of special district and may even vary for a particular type of district depending on the statute under which it may be organized.

Types of Special Water Districts

Type of District	First Authorized by Legislature	Statute Chapter	Article
Drainage	1905 & 1911	24	4,5, & 6
Irrigation	1891	42	3 & 7
Watershed	1953	24	12
Levee	1893	24	8
Rural Water	1957	82a	6
Soil Conservation	1937	2	19
Sewer	1927	19	27
Water Supply	1951	19	35
Groundwater Management	1972	82a	10

Summary of Special Water Districts

Type of Special Water District	Total Number of Districts			Counties With Districts		
	1939	1967	1975	1939	1967	1975
Drainage	59	93	<u>1/</u>	23	30	<u>1/</u>
Irrigation	1	5	6	3	9	12
Watershed	0	63	79	0	56	64
Levee	5	24	24	1	1	1
Rural Water	0	135	217	0	47	67
Soil Conservation	0	105	105	0	105	105
Sewer	0	26	<u>2/</u>	0	10	<u>2/</u>
Water Supply	0	1	1	0	1	1
Groundwater Management	0	0	2	0	0	8

1/ Not updated, but, no significant change.

2/ Not updated, but, some consolidation through urban annexation.

Mr. Krause

ATTACHMENT II

COMMENTS ON WATER ORIENTED DISTRICT STRUCTURES
IN KANSAS*

The district structure in Kansas has been developed in response to a need-- a singular need to protect from or to secure the benefits from a common enemy or common opportunity. For the most part, they are single purposes--relatively easy to draw attention to and timely. The same singular focal point attributes assists the organizations to maintain themselves fiscally. This structure provides a grass roots working democracy, close to the people and generally responsive to local single purpose needs. It is indeed difficult to fault such a system.

It becomes necessary to review such government structures from time to time to determine whether they are fulfilling needs efficiently. The key word is efficiently. Criteria of efficiency must include economy, responsiveness, flexibility, coordination, nonduplication of services, capabilities both administrative and technical.

Answers to the question--does a composite of organizations equal more than their mere sum? Even if a review of the situation revealed that a restructuring would improve efficiency, one further question must surely be answered--is such a restructuring acceptable at the polls?

As pointed out by Mr. Power, there has been a continuous growth of district organization in Kansas having water as the central theme. Some problems have developed. More can be expected where they are overlying districts. Specifically, there has been competition for sources of water supply; there is lack of financial capability to obtain adequate sources of supply. There are opportunities which can be achieved by joining forces of districts such as securing irrigation projects from watershed districts.

* Presented by Keith S. Krause, Executive Director of the Kansas Water Resources Board June 26, 1975.

Amalgamation of districts tends to concentrate power which may be good or bad depending on its use and users. Often times, however, high goals can only be achieved by mighty efforts. Mediocrity is often the result of the status quo syndrome. Bad use of power can, of course, produce a confidence gulf which haunts the organization for a long time.

The cost of government is sufficient reason unto itself to look into the present method of district formation, their basic purposes and the way the internal administration is carried out.

In a field close to us, we observe incipient problems resulting from efforts by small districts to fund water treatment plants and distribution systems as a part of their desires to purchase water from reservoir storage. Their capabilities would be vastly improved by amalgamation. Disputes between quasi-municipalities and urban municipalities over water rates have arisen and more will arise.

We do not like to see these things happen. They are not efficient procedure and the cost and quality advantages of scale are often foregone. Sometimes to satisfy local pride.

Other states have had similar experiences. Some have tried other approaches. Our neighbor to the north, Nebraska, has attempted a large scale mandatory amalgamation of districts under an umbrella of a natural resource district. The idea has been only partially successful. Iowa has started a system of reducing the number of its districts. Ohio began a conservancy district idea nearly 60 years ago and in many ways, such districts have been highly successful. Texas has had river basin authorities for years. These are not all inclusive but they have many responsibilities and authorities. South Dakota has had conservancy districts for a number of years which operate reasonably successfully.

We submit for the Committee's consideration a number of suggestions

relative to district legislation. These are:

1. No special district should be created prior to review and approval of a designated agency consisting of representatives of units of general local governments in which the proposed district would operate.

2. No consent be granted to creation of a special district until it had demonstrated that pertinent units of local government could not or would not furnish those services which a proposed district was to provide.

3. The creation of any special district be reported to a designated state agency.

4. Procedures for creation of special district be consistent and the number of ways a district may be created be reduced.

5. Budget and account forms and the administrative procedures of special districts be uniform and subject to audit. All special districts be required to file such forms annually with a designated state agency.

6. Simplify the procedures for consolidating special districts performing similar functions. State laws should enable the designated agency to issue an order dissolving or consolidating districts upon finding the district's services are no longer needed or can be more effectively performed by a unit of general local government.

7. Activities of special districts be coordinated with activities of local units of government. Proposals for special district capital improvements should be submitted to a designated state agency for approval. Prior to that approval such capital improvement plan should be submitted to affected local units of government and responsible state agencies for review and comment.

8. An official map of the territory of all special districts be filed both in the office of the county clerk of any county wherein such territory extends and also with the designated state agency.

9. All plans officially adopted by the special district and as approved by the designated state agency be filed in the office of the county clerk of any county affected.

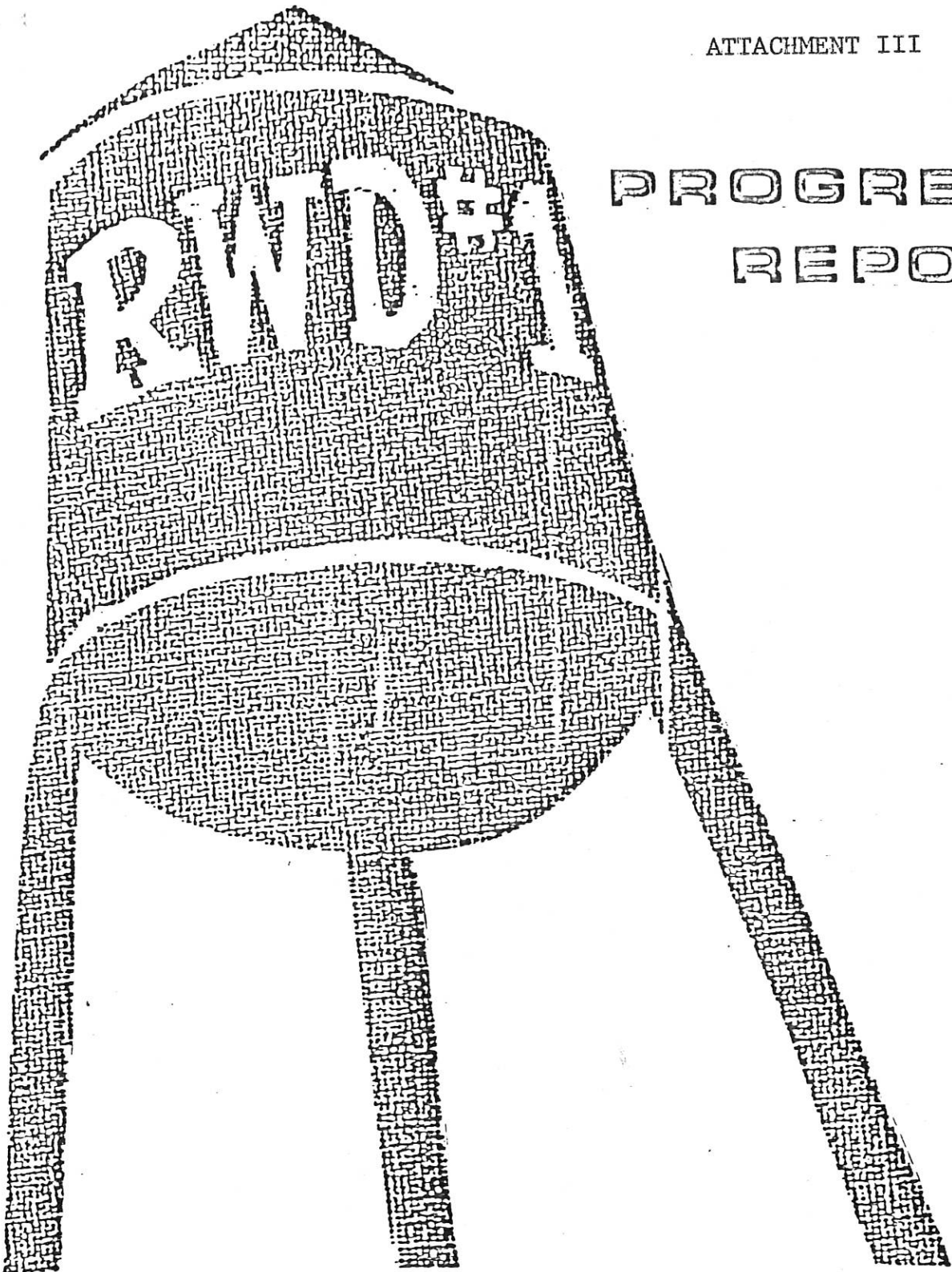
10. The designated state agency keep a file and records on operation and plans of special districts.

In closing, we will be glad to work with the Committee in furnishing additional detail if it is desired. We will be glad to answer questions within our ability.

ATTACHMENT III

1975

PROGRESS
REPORT



"THE TIME HAS COME TO SEE THAT EVERY CITIZEN, BUSINESS AND FARM
IN RURAL KANSAS HAS ACCESS TO AN ADEQUATE SUPPLY OF GOOD WATER."

MORGAN WILLIAMS
STATE DIRECTOR
FARMERS HOME ADMINISTRATION

RURAL WATER DISTRICT DEVELOPMENT IN KANSAS

As of today the Farmers Home Administration has financed 208 rural water districts. Loans have totaled over \$55 million, federal grants \$8.9 million, state grants \$2 million, and local members have invested over \$7 million. These 208 rural water districts will serve between 50,000 and 60,000 Kansas families when they are all completed.

Rural water district construction in Kansas will reach an all time high during 1975. This year 32 projects will be started and will generate \$19 million of construction, building 3,700 miles of waterline to serve 7,000 families. Over \$70 million of rural water district construction has generated investments in agricultural, industrial and residential development valued at more than \$350 million. Over 1,000 industrial and commercial enterprises, 100 schools and 5,000 new homes are served by rural water districts.

The Farmers Home Administration presently has 62 applications on hand to build new districts and to enlarge old districts which would require over \$22 million in loan and grant funds. More than 12,000 additional families would be served by these projects.

The Kansas Farmers Home Administration plans to keep up its expanded rural water district program to serve the people of rural Kansas. We are hopeful that the record-setting pace of the past six years can be continued during the next five years. If the record of construction can be continued it should be possible to serve at least 90% of rural Kansans and businesses that need water by the year 1980.

We certainly appreciate the assistance we have received from the Kansas Legislature, Governor Robert Bennett, State Board of Agriculture Secretary Roy Freeland, and Guy Gibson, Chief Engineer, Water Resources Division, State Board of Agriculture. Water districts have been given \$2 million by the State of Kansas and it is expected that they will receive an additional \$1 million from the 1975 Legislature.

The cooperation between the Federal and State government to solve the rural water problems in Kansas is a model for the entire nation.

I believe that serving our rural people and our agricultural business enterprises with an adequate supply of water is one of the top priorities facing the State of Kansas. The goal of reaching most rural Kansans by 1980 can be accomplished if the State and Federal government will continue to work together.

Rural water districts have contributed much to the quality of life and economic development of rural Kansas. Economic development of many parts of Kansas has been severely curtailed by the lack of adequate water. The time has come to see that every citizen, business and farm in rural Kansas has access to an adequate supply of good water.

I want to thank Robert D. O'Shea, Chief, Community Programs; Lenoel E. Parks, Community Programs Specialist; Henry L. Singer, Community Programs Specialist; Paul W. Archer, Community Programs Specialist (Field); John R. Linn, Community Programs Specialist (Field); and P. J. Williams, Civil Engineer, and the entire FmHA staff for their assistance and support.

RURAL WATER DISTRICT FUNDING BY FmHA - 1966-1975

<u>Fiscal Year</u>	<u>Loans</u>	<u>Federal Grants</u>	<u>State Grants</u>	<u>Families Served</u>
1966	\$ 2,988,290	\$ 77,000		3,710
1967	3,993,440	630,670		3,720
1968	1,551,160	553,320		2,871
1969	2,972,920	295,470		3,444
1970	1,400,000	1,036,100		900
1971	5,692,500	798,400		4,745
1972	7,377,200	720,000		4,380
1973	5,861,600	733,200		2,959
1974	7,896,200	4,355,000	\$ 840,000	1,877
1975-Partial	7,156,600	428,000	1,046,000	1,880
Totals	\$46,889,910	\$9,627,160	\$1,886,000	30,486

SUMMARY BY CONGRESSIONAL DISTRICTS
Rural Water Districts in Kansas Financed by FmHA
From FY 1952 through April 1, 1975

<u>Congressional District</u>	<u>No. of Projects</u>	<u>Loans</u>	<u>Grants</u>	<u>Families Served</u>
1	29	\$ 9,257,870	\$3,063,760	3,770
2	48	15,768,630	1,671,850	10,577
3	17	6,339,120	633,020	5,023
4	5	664,600	75,000	564
5	109	23,202,840	3,531,020	17,548
Totals	208	\$55,233,060	\$8,974,650	37,482

RWD FUNDING BY FmHA - 1961-1975

<u>Fiscal Year</u>	<u>Loans</u>	<u>Grants</u>	<u>Families Served</u>
1961 through 1969	\$18,722,600	\$1,556,460	20,165
1970 through 4-1-75	35,384,100	8,070,700	15,117

RURAL WATER DISTRICT APPLICATIONS PENDING - APRIL 1, 1975

62 for Loans totaling \$15,753,227
 32 for Grants totaling 6,340,690
\$22,093,917
 (Involving 12,000 families)

RWD PROJECTS UNDER CONSTRUCTION DURING 1975 - 32 PROJECTS

\$19,000,000 worth of contracts to install 3,700 miles of water line to serve 7,000 families.

RWD PROJECTS IN OPERATION IN KANSAS, SPRING 1975

RURAL WATER DISTRICT PROJECTS FUNDED FROM 1975 F/Y FUNDS TO APRIL 1, 1975

	<u>Water District</u>	<u>FmHA Loan</u>	<u>FmHA Grant</u>	<u>State Grant</u>	<u>Borrower Contribution</u>	<u>Total Project Cost</u>	<u>No. of Users</u>
(S)	RWD#1, Pottawatomie	254,000			0	254,000	0
(S)	RWD#7, Cherokee	15,400	10,000		0	25,400	0
(I)	RWD#3, Butler	307,500	300,000		28,000	635,500	125
(S)	RWD#2, Shawnee	90,500			15,000	105,500	0
(S)	RWD#5, Anderson	200,000	460,000		5,000	665,000	0
(S)	RWD#5, Shawnee	47,600			3,000	50,600	0
(S)	RWD#2, Dickinson	50,000	650,000		10,000	710,000	0
(S)	RWD#1, Washington	234,000	439,000		0	673,000	19
(S)	RWD#4, Anderson	150,600	65,000		8,400	224,000	33
(S)	RWD#7, Osage	55,200			6,800	62,000	22
(S)	RWD#10, Shawnee	15,500			0	15,500	2
(S)	RWD#2, Republic	356,500	990,000		0	1,346,500	0
(I)	RWD#6, Cherokee	218,500	110,500		17,000	346,000	71
(S)	RWD#2, Mitchell	311,300	350,000		5,700	667,000	0
(S)	RWD#2, Jackson	4,700			700	5,400	0
(S)	RWD#3, Mitchell	765,300		500,000	0	1,265,300	495
(S)	RWD#7, Crawford	34,700			3,800	38,500	25
(S)	RWD#1, Jackson	622,000			190,000	812,000	138
(S)	RWD#1, Brown	174,000			0	174,000	18
(S)	RWD#1, Pottawatomie	8,000	64,400		4,000	76,400	15
(S)	RWD#5, Anderson	800,000		400,000	50,000	1,250,000	226
(I)	RWD#12, Jefferson	1,360,000	300,000		80,000	1,740,000	390
(S)	RWD#4, Cherokee	81,300			4,300	85,600	17
(I)	RWD#4, Douglas	1,000,000		111,000	90,000	1,201,000	284
(S)	RWD#4, Bourbon			35,000	0	35,000	0
	Totals	<u>\$7,156,600</u>	<u>\$3,738,900</u>	<u>\$1,046,000</u>	<u>\$521,700</u>	<u>\$12,463,200</u>	<u>1,880</u>

(S) - Subsequent
(I) - Initial

(The above statistics on subsequent loans do not reflect previous loans and grants nor do they reflect previous borrowers' contributions or total number of users on entire Rural Water District.)

RURAL WATER APPLICATIONS ON HAND AS OF APRIL 1, 1975:

RWD#4, Bourbon Co.
RWD#10, Leavenworth Co.
RWD#4, Neosho Co.
RWD#1, Elk Co.
RWD#2, Greenwood Co.
RWD#2, Barber Co.
RWD#3, Mitchell Co.
RWD#5, Sumner Co.
RWD#12, Montgomery Co.
RWD#4, Cowley Co.
RWD#4, Butler Co.
RWD#5, Cowley Co.
RWD#3, Marion Co.
RWD#8, Osage Co.
RWD#1, Cloud Co.
RWD#1, Chase Co.
RWD#1A, Osborne Co.
RWD#4, Saline Co.
RWD#13, Jefferson Co.
RWD#8, Crawford Co.
RWD#1, Woodson Co.
RWD#2, Pottawatomie Co.
RWD#1, Riley Co.
RWD#1, Greenwood Co.
RWD#2, Crawford Co.
RWD#8, Labette Co.
RWD#3, Douglas Co.
RWD#3, Shawnee Co.
RWD#12, Jefferson Co.
RWD#4, Douglas Co.
RWD#4, Cherokee Co.

RWD# (Luray), Osborne Co.
RWD#1, Phillips Co.
RWD#3, Rooks Co.
RWD#10, Wilson Co.
RWD#2, Linn Co.
RWD#4, Lyon Co.
RWD#4, Linn Co.
RWD#2, Reno Co.
RWD# (Cedar Vale), Chautauqua Co.
RWD#2, Marshall Co.
RWD#4, McPherson Co.
RWD#2, Miami Co.
RWD#3, Pottawatomie Co.
RWD#12, Wilson Co.
RWD#5, Douglas Co.
RWD#2, Barton Co.
RWD#6, Lyon Co.
RWD#7, Sumner Co.
RWD#1, Kingman Co.
RWD#9, Montgomery Co.
RWD#1, Rush Co.
RWD#3, Cowley Co.
RWD#6, Sumner Co.
RWD#2, Lyon Co.
RWD#10, Allen Co.
RWD#3, Marshall Co.
RWD#11, Shawnee Co.
RWD#1, Reno Co.
RWD#3, Jefferson Co.
RWD# (Willard), Shawnee Co.
RWD#1, Wallace Co.

June 26, 1975

Number of Rural Water District Applications on Hand..... 76

Estimated Funds Required:

Loans.....\$19,407,000

Grants..... 5,500,000

RWD Projects under construction at present..... 25

RWD Projects in Operation..... 184

In the 1975 Fiscal Year, FmHA made 28 loans to RWD's - 7 Initial loans and 21 subsequent loans; also 14 grants to RWD's.

The State of Kansas made grants to 4 RWD's.

ATTACHMENT IV

Proposed State Plan
for
Certifying Pesticide Applicators
For Kansas to
Comply with the Federal Environmental Pesticide Control Act of 1972

Note: This material is organized to follow the format for State Plans received from the Environmental Protection Agency April 9, 1975. For lack of legislation, legal authority cited and references made are based on wording found in Kansas H B 2001 in its present form, being studied by the Kansas legislative interim committee on Agriculture and Livestock.

(1) State Agency Responsibility Section 171.7 (a) (Federal EPA Rules and Regulations)

"(a) Designates a State agency as the agency responsible for administering the plan throughout the State. Since several other agencies or organizations may also be involved in administering portions of the State plan, all of these shall be identified in the State plan, particularly any other agencies or organizations responsible for certifying applicators and suspending or revoking certification. In the event that more than one State agency will be responsible for performing certain functions under the State plan, the plan shall identify which functions are to be performed by which agency and indicate how the program will be coordinated by the lead agency to ensure consistency of programs within the State. The lead agency will serve as the central contact point for the Environmental Protection Agency in carrying out the certification program. The numbers and job titles of the responsible officials of the lead agency and cooperating units shall be included."

(a) Lead Agency

(1) Name of Agency

--Governor Docking sent a letter to Jerome H. Svore, Kansas City Regional Administrator of EPA, February 22, 1974, designating the Kansas State Department of Agriculture as the Kansas Lead Agency.

(2) Name, title, address and telephone number of principal responsible official(s)

--Roy Freeland, Secretary
Kansas State Department of Agriculture
State Office Building
Topeka, Kansas 66612
Phone 913-296-3558

KEY: *Italicized print* - Federal law or Federal regulations
"quotes" - H B 2001
Underline - Format for preparation of State plan

(b) Cooperating Agencies

(1) Kansas State University

(2) Dr. Robert A. Bohannon, Director
Division of Extension
Kansas State University
Umberger Hall
Manhattan, Kansas 66506
Phone 913-532-5790

(c) Coordination of Agencies

H B 2001. Contains several sections relating to this.

Sec. 22. "The secretary may, in cooperation with Kansas state university, publish information and conduct short courses of instruction in the safe use and application of pesticides."

Sec. 23. "The secretary may cooperate or enter into formal agreements with any other agency or educational institution of this state or its subdivisions or with any agency of any other state or of the federal government for the purpose of carrying out the provisions of this act or securing uniformity of regulations."

Sec. 8. (in part) "...Certified private applicator certificates may be issued to individuals who have paid a fee of two dollars (\$2) and who have acquired practical knowledge of pest problems, proper storage, use, handling and disposal of pesticides and pesticide containers, pertinent information found on the pesticide labels, pesticide use safety and environmental considerations, either through Kansas state university extension service educational training or through individual study of educational materials available at county extension offices. Individuals shall indicate adequate knowledge of the subjects enumerated herein by passing an open book examination approved by the secretary.

Educational materials and examination blanks shall be made available at county extension offices and at places where extension educational training is conducted. The examinations shall be scored at such locations by members of extension staff. If an individual passes the examination by equaling or exceeding a standard authorized by the secretary, a certified private applicator's certificate shall be issued to such individual by the extension staff member conducting the training or supplying the educational materials and examination blank. Such staff member shall send a copy of the certificate issued, together with the fee, to the secretary."

Sec. 9. "A certified applicator's certification may be renewed for a succeeding three-year period by paying the fees prescribed in either section 4 or 8, as applicable, passing the examination provided for in either section 6 or 8, as applicable, and completing the renewal application form prescribed by the secretary."

(2) Legal Authority and Qualified Personnel - 171.7 (b) (Federal EPA Rules & Regs)

(b) Contains satisfactory assurances that such lead agency has or will have the legal authority and qualified personnel necessary to carry out the plan:

(1) Satisfactory assurances that the lead agency or other cooperating agencies have the legal authority necessary to carry out the plan should be in the form of an opinion of the Attorney General or the legal counsel of the lead agency. In addition:

(i) The lead agency should submit a copy of each appropriate State law and regulation.

(ii) In those cases where the required legislative authorities have been requested by the Executive but have not yet been granted by the State Legislature (or have been granted but not yet been fully implemented), the lead agency may request that a State plan be approved contingent upon the enactment of all necessary legislation. Ordinarily, plans approved on a contingency basis will be for a specific period of time, generally not to exceed a period of one year from the date of approval. During this time, the State will have an approved certification program and may proceed to certify applicators who will then be permitted to use pesticides classified for restricted use under FIFRA, as amended. If no legislation is enacted within the time period of the contingent program, the approval shall lapse. In such instances, section

4(b) of FIFRA, as amended, shall not apply. In the event that the legislation passed by the State Legislature differs materially from that proposed and submitted with the original State plan, and the Administrator finds that such legislation does not provide adequate legal authority to administer the plan, section 4(b) of FIFRA, as amended, shall apply.

(iii) The State plan should indicate by citations to specific laws (whether enacted or pending enactment) and/or regulations (whether promulgated or pending promulgation) that the State has legal authorities as follows:

(A) Provisions for and listing of the acts which constitute grounds for denying, suspending and revoking certification of applicators; and provisions for assessing criminal and/or civil penalties, and other appropriate action. Such grounds should include, at a minimum, misuse of a pesticide and falsification of any records required to be maintained by the certified applicator.

(B) Provisions for reviewing an applicator's certification to determine whether suspension or revocation of the certification is appropriate in the event of criminal conviction under section 14(b) of amended FIFRA, a final order imposing civil penalty under section 14(a) of amended FIFRA, or conclusion of a State enforcement action.

(C) Provisions for right-of-entry by consent or warrant by appropriate State officials at reasonable times for surveillance, inspection, and observation purposes.

(D) Provisions making it unlawful for persons other than certified applicators or persons working under their supervision to use restricted use pesticides.

(E) Provisions requiring certified commercial applicators to keep and maintain for the period of at least two years routine operational records containing information on kinds, amounts, uses, dates, and places of application of restricted use pesticides; and for ensuring that such records will be available for inspection by appropriate State officials at reasonable times.

Note: Attached is appendix I - a statement from Ken Wilke, attorney for the lead agency.

(F) List the personnel involved in carrying out the State Plan for each agency. Give the agency, job-titles, functions, and number of each. (Also, provide the same information for positions, if any, which will be requested but are not yet funded)

The FY 1976 Kansas Department of Agriculture budget, July 1, 1975 to June 30, 1976, includes the following positions found in three existing divisions of the State Department of Agriculture which work with all aspects of pest control including pesticide registration, pesticide use, and pest management.

Director, Weed and Pesticide Division	1.0	Position
Director, Entomology Division	.9	"
Director, Control Division	.3	"
Pesticide Use Law Administrator	1.0	"

These above positions are administrative positions.

Ecological Specialists	5.0	Position
District Weed Supervisors	5.0	"
Entomologists	2.5	"

These are field positions with responsibility to enforce the present laws relating to pesticide usage.

Entomologists	7.0	Position
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These are field positions with work which relates to pesticide usage. They are involved with survey of insect infestations and do inspection work on grain and nursery stock to determine pest infestations.

Inspectors	1.5	Positions
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These are field positions involved with selections for shelf samples of pesticides offered for sale for laboratory check as to labeled content.

Chemists

3.0 Positions

These are chemical laboratory positions.

Clerical & Secretarial

6.8 Positions

These persons presently filling the administrative, field and laboratory positions include the following:

- 4 with PhD Degrees
- 8 with Masters of Science Degrees
- 1 with Bachelor of Science Degrees

In addition, Kansas State University has several faculty positions devoting considerable time to the educational portions of the pesticide control program. The proposed "Kansas Pesticide Law" involves Kansas State University Extension Services more extensively.

(3) Assurance of Funding - 171.7 (c) (Federal EPA Rules & Regulations)

"(c) Give satisfactory assurances that the State will devote adequate funds to the administration of the plan."

The combined portions of the various budgets within the Kansas State Department of Agriculture budget devoted to pesticide use control and registration for the FY 1976 budget amounts to approximately \$380,000 with an additional approximately \$140,000 devoted to pest management activities. These programs have been carried in Kansas for several years: The pesticide registration since 1947; the agricultural spray law since 1951, and it was expanded in 1970; the pest control act started in 1953.

(4) Reports - 171.7 (d) (EPA Rules & Regulations)

"(d) Provides that the State agency will make reports to the Administrator in a form and containing information that the Administrator may from time to time require, including:

(1) An annual report to be submitted by the lead agency, at a time to be specified by the State, to include the following information:

(i) Total number of applicators, private and commercial, by category, currently certified; number of applicators, private and commercial, by category, certified during the last reporting period.

(ii) Any changes in commercial applicator subcategories.

(iii) A summary of enforcement actions related to certified applicators during the last reporting period, showing number and types of actions taken.

(iv) Any significant proposed changes in required standards of competency.

(v) Proposed changes in plans and procedures for enforcement activities related to certified applicators for the next reporting period.

(vi) Any other proposed changes from the State plan that would significantly affect the State certification program.

(2) Other reports as may be required by the Administrator shall be submitted from time to time to meet specific needs.

The State lead agency expects to report annually to the EPA Administrator information including the following:

- (i) Total number of applicators, private and commercial, by category, currently certified; number of applicators, private and commercial, by category, certified during the last reporting period.
 - (ii) Any changes in commercial applicator subcategories.
 - (iii) A summary of enforcement actions related to certified applicators during the last reporting period, showing number and types of actions taken.
 - (iv) Any significant proposed changes in required standards of competency.
 - (v) Proposed changes in plans and procedures for enforcement activities related to certified applicators for the next reporting period.
 - (vi) Any other proposed changes from the State plan that would significantly affect the State certification program.
- (5) Conformity to Standards - 171.7 (e) (EPA Rules and Regulations)

(e) Contains satisfactory assurances that the State standards for the certification of applicators of pesticides conform to those standards prescribed by the Administrator under §§ 171.4 and 171.5. Such assurances should consist of:

(1) A detailed description of the State's plan for certifying applicators and a discussion of any special situations, problems, and needs, together with an explanation of how the State intends to handle them. The State plan should include the following elements as a minimum:

(i) For commercial applicators:

(A) A list and description of categories and subcategories to be used in the State, such categories to be consistent with those defined in § 171.3.

(B) An estimate of the number of commercial applicators by category expected to be certified by the State.

(C) The standards of competency elaborated by the State. These shall conform and be at least equal to those prescribed in § 171.4 for the various categories of applicators utilized by the State. The standards shall also cover each of the points listed in the general standards in § 171.4(b) and the points covered in the appropriate specific standards set forth in § 171.4(c).

(D) For each category and subcategory listed under § 171.7(e)(1)(A)(i),

either submission of examinations or a description of the types and contents of examinations (e.g., multiple choice, true-false) and submission of sample examination questions; and a description of any performance testing used to determine competency of applicators.

(ii) For private applicators:

(A) An estimate of the number of private applicators expected to be certified by the State.

(B) The standards of competency elaborated by the State. These shall conform and be at least equal to those prescribed in § 171.5(a), including the five requirements listed in § 171.5(a)(1)-(5).

(C) Types and contents of examinations and/or submission of detailed description of methods other than examination used to determine competency of private applicators.

(D) A description of any special procedure of testing that a State develops to determine the competency of a private applicator who is unable to read the label as prescribed in § 171.5(b)(1).

(2) A description of how the State will certify applicators for any special competency standards which may be developed later under reserved § 171.4(d), or other standards imposed independently by the State.

(3) A provision for issuance by the State of appropriate credentials or documents verifying certification of applicators.

(4) If appropriate, a description of any existing State licensing, certification or authorization programs for private applicators or for one or more categories of commercial applicators may be included. If these programs are determined by EPA to meet standards of competency prescribed by §§ 171.1 through 171.6, States may certify applicators so licensed, certified or authorized without additional examination provided:

(i) The commercial applicators who were licensed, certified, or authorized have demonstrated their competency based on written examinations and, as appropriate, performance testing, conforming to the standards set forth in § 171.4, and

(ii) The private applicators who were licensed, certified, or authorized have demonstrated their competency by written or oral testing procedures or other acceptable equivalent system, conforming to the standards set forth in § 171.5.

(5) A statement that the State accepts Federal employees qualified under the Government Agency Plan (GAP) as fully meeting the requirements for certification by that State; or a description of any additional requirements these employees must meet to apply restricted use pesticides in that State. Any such additional requirements shall be consistent with and shall not exceed standards established for other comparable applicators in that State.

(6) A description of any arrangements a State has made to certify or assist in the certification of applicators on Indian reservations which are under the jurisdiction of Federal laws [§ 171.10(a)].

(7) A description of any arrangements that a State has made or plans to make

relating to reciprocity with other States for the acceptance of certified applicators from those States. However, those arrangements should meet these conditions:

(i) The State according reciprocity should provide for issuance of an appropriate document verifying certification based upon the certifying document issued by the other State.

(ii) The State according reciprocity should have enforcement procedures that cover out-of-State applicators to the same extent as those applicators examined and certified within the State;

(iii) The detailed State standards of competency, for each category identified in the reciprocity arrangement should be sufficiently comparable to justify waiving an additional examination by the State granting reciprocity.

In responding to the preceding requirements, a State may describe in its State plan other regulatory activities implemented under State laws or regulations which will contribute to the desired control of the use of restricted use pesticides by certified applicators. Such other regulatory activities, if described, will be considered by the Administrator in evaluating whether or not a State's certified applicator program satisfies the requirements of § 171.7 (a) through (e).

(a) Commercial Applicators

(1) Categories and Subcategories

H B 2001 Section 7

"(a) The categories of qualification for certification and licensing shall include:

- (1) Agricultural pest control;
- (2) forest pest control;
- (3) ornamental and turf pest control;
- (4) seed treatment;
- (5) aquatic pest control;

- (6) right-of-way pest control;
- (7) industrial, institutional, structural and health related pest control;
- (8) public health pest control;
- (9) regulatory pest control; and
- (10) demonstration and research pest control.

(2) Name additional categories or subcategories.

Kansas may subdivide the category "Agricultural pest control" into three subcategories, namely, Field Crops, Horticultural Crops, and Animal Pest Control.

(3) Indicate the categories which will not be used.

All the categories listed in H B 2001 will be offered to the people of Kansas. No one can now say which they will use.

(4) Submit in tabular form an estimate of the number of commercial applicators expected to be certified in each category and subcategory, if appropriate.

(1) Agricultural pest control	
(a) Field Crops	1,275
(b) Horticultural Crops	500
(c) Animal Pest	500
(2) Forest pest control	50
(3) ornamental and turf pest control	400
(4) seed treatment	100
(5) aquatic pest control	25
(6) right-of-way pest control	100
(7) industrial, institutional, structural and health related pest control	700
(8) public health pest control	100
(9) regulatory pest control	200
(10) demonstration and research pest control	50

(5) Describe the standards of competency considered appropriate for the State.

GENERAL STANDARDS OF COMPETENCY:

Labels & Labeling

- The general format and terminology of pesticide labels and labeling,
- The understanding of instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labels,
- Classification of the product, general or restricted, and
- Necessity for use consistent with the label.

Safety. Factors including:

- Pesticide toxicity and hazard to man and common exposure routes;
- Common types and causes of pesticide accidents;
- Precautions necessary to guard against injury to applicators and other individuals in or near treated areas;
- Need for and use of protective clothing and equipment;
- Symptoms of pesticide poisoning;
- First aid and other procedures to be followed in case of a pesticide accident; and
- Proper identification, storage, transport, handling, mixing procedures and disposal methods for pesticides and used pesticide containers, including precautions to be taken to prevent children from having access to pesticides and pesticide containers.

Environment. The potential environmental consequences of the use and misuse of pesticides as may be influenced by such factors as:

- Weather and other climatic conditions;
- Types of terrain, soil or other substrate;
- Presence of fish, wildlife and other non-target organisms; and
- Drainage patterns.

Pests. Factors such as:

- Common features of pest organisms and characteristics of damage needed for pest recognition;

- Recognition of relevant pests; and
- Pest development and biology as it may be relevant to problem identification and control.

Pesticides. Factors such as:

- Types of pesticides;
- Types of formulations;
- Compatibility, synergism, persistence and animal and plant toxicity of the formulations;
- Hazards and residues associated with use;
- Factors which influence effectiveness or lead to such problems as resistance to pesticides; and
- Dilution procedures.

Equipment. Factors including:

- Types of equipment and advantages and limitations of each type; and
- Uses, maintenance and calibration.

Application techniques. Factors including:

- Methods of procedure used to apply various formulations of pesticides, solutions, and gases, together with a knowledge of which technique of application to use in a given situation;
- Relationship of discharge and placement of pesticides to proper use, unnecessary use, and misuse; and
- Prevention of drift and pesticide loss into the environment.

Laws and regulations. Applicable State and Federal laws and regulations.

SPECIFIC STANDARDS OF COMPETENCY

Each category and sub-category shall be particularly qualified with respect to the practical knowledge elaborated below:

Agricultural Pest Control

Plant - Applicators must demonstrate practical knowledge of crops grown and the specific pests of those crops on which they may be using restricted use pesticides. The importance of such competency is amplified by the extensive areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. Practical knowledge is required concerning soils and water problems, pre-harvest intervals, re-entry intervals, phytotoxicity, and potential for environmental contamination,

non-target injury and community problems resulting from the use of restricted use pesticides in agricultural areas.

Animal - Applicators applying pesticides directly to animals must demonstrate practical knowledge of such animals and their associated pests. A practical knowledge is also required concerning specific pesticide toxicity and residue potential, since host animals will frequently be used for food. Further, the applicator must know the relative hazards associated with such factors as formulation, application techniques, age of animals, stress and extent of treatment.

Forest pest control.

Applicators shall demonstrate practical knowledge of types of forests, forest nurseries, and seed production in their State and the pests involved. They should possess practical knowledge of the cyclic occurrence of certain pests and specific population dynamics as a basis for programming pesticide applications. A practical knowledge is required of the relative biotic agents and their vulnerability to the pesticides to be applied. Because forest stands may be large and frequently include natural aquatic habitats and harbor wildlife, the consequences of pesticide use may be difficult to assess. The applicator must therefore demonstrate practical knowledge of control methods which will minimize the possibility of secondary problems such as unintended effects on wildlife. Proper use of specialized equipment must be demonstrated, especially as it may relate to meteorological factors and adjacent land use.

Ornamental and turf pest control.

Applicators shall demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings, and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift, and persistence beyond the intended period of pest control. Because of the frequent proximity of human habitations to application activities, applicators in this category must demonstrate practical knowledge of application methods which will minimize or prevent hazards to humans, pets, and other domestic animals.

Seed treatment.

Applicators shall demonstrate practical knowledge of types of seeds that require chemical protection against pests and factors such as seed coloration, carriers, and surface active agents which influence pesticide binding and may affect germination. They must demonstrate practical knowledge of hazards associated with handling, sorting and mixing, and misuse of treated seeds such as introduction of treated seed into food and feed channels, as well as proper disposal of unused treated seeds.

Aquatic pest control.

Applicators shall demonstrate practical knowledge of the secondary effects which can be caused by improper application rates, incorrect formulations, and faulty application of restricted use pesticides used in this category. They shall demonstrate practical knowledge of various water use situations and the potential of downstream effects. Further, they must have practical knowledge concerning potential pesticide effects on plants, fish, birds, beneficial insects and other organisms which may be present in aquatic environments. These applicators shall demonstrate practical knowledge of the principles of limited area application.

Right-of-way pest control.

Applicators shall demonstrate practical knowledge of a wide variety of environments, since rights-of-way can traverse many different terrains, including waterways. They shall demonstrate practical knowledge of problems on runoff, drift, and excessive foliage destruction and ability to recognize target organisms. They shall also demonstrate practical knowledge of the nature of herbicides and the need for containment of these pesticides within the right-of-way area, and the impact of their application activities in the adjacent areas and communities.

Industrial, institutional, structural and health related pest control.

Applicators must demonstrate a practical knowledge of a wide variety of pests, including their life cycles, types of formulations appropriate for their control, and methods of application that avoid contamination of food, damage and contamination of habitat, and exposure of people and pets. Since human exposure, including babies, children, pregnant women, and elderly women, is frequently a potential problem, applicators must demonstrate practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this category. Because health related pest control may involve outdoor applications, applicators must also demonstrate practical knowledge of environmental conditions, particularly related to this activity.

Public health pest control.

Applicators shall demonstrate practical knowledge of vector-disease transmission as it related to and influences application programs. A wide variety of pests is involved, and it is essential that they be known and recognized, and appropriate life cycles and habitats be understood as a basis for control strategy. These applicators shall have practical knowledge of a great variety of environments ranging from streams to those conditions found in buildings. They should also have practical knowledge of the importance and employment of such non-chemical control methods as sanitation, waste disposal, and drainage.

Regulatory pest control.

Applicators shall demonstrate practical knowledge of regulated pests, applicable laws relating to quarantine and other regulation of pests, and the potential impact on the environment of restricted use pesticides used in suppression and eradication programs. They shall demonstrate knowledge of factors influencing introduction, spread, and population dynamics of relevant pests. Their knowledge shall extend beyond that required by their immediate duties, since their services are frequently required in other areas of the country where emergency measures are invoked to control regulated pests and where individual judgments must be made in new situations.

Demonstration and research pest control.

Persons demonstrating the safe and effective use of pesticides to other applicators and the public will be expected to meet comprehensive standards reflecting a broad spectrum of pesticide uses. Many different pest problem situations will be encountered in the course of activities associated with demonstration, and practical knowledge of problems, pests, and population levels occurring in each demonstration situation is required. Further, they should demonstrate an understanding of pesticide-organism interactions and the importance of integrating pesticide use with other control methods. In general, it would be expected that applicators doing demonstration pest control work possess a practical knowledge of all the standards detailed in the general standards. In addition, they shall meet the specific standards required for categories as may be applicable to their particular activity.

Persons conducting field research or method improvement work with restricted use pesticides should be expected to know the general standards. In addition, they shall be expected to know the specific standards applicable to their particular activity, or alternatively, to meet the more inclusive requirements listed under "Demonstration."

The above standards do not apply to the following persons for purposes of these regulations. (1) Persons conducting laboratory type research involving restricted use pesticides; and (2) Doctors of Medicine and Doctors of Veterinary Medicine applying pesticides as drugs or medication during the course of their normal practice.

(6) For all categories and subcategories indicate that written examinations will be required to determine competency in general and specific standards.

Kansas plans to use written examinations to determine competency in each category for commercial applicators.

(7) Submit copies of examinations or descriptions of type and contents of examination with sample questions.

Examination questions for each of the categories are being prepared.

(8) For appropriate categories and subcategories, describe any performance testing procedures that will be used.

At this time, no performance testing is planned in Kansas. Should a need for this type of testing be determined to be necessary, such testing procedure will be formulated.

(9) Existing licensing programs

Exhibits accompany this writing which show examples of the present program. They include:

- Study Guides and Study Materials
- Kansas Pesticide Users Handbook
- Study Questions
- Qualifying Examinations
- Renewal Study Material 1974
- Renewal Examination 1974
- Renewal Study Material 1975
- Renewal Examination 1975
- Kansas Pesticide Use Law
- Kansas Pest Control Act
- Current Credentials

(b) Private Applicators

(1) Estimate the number of private applicators expected to be certified in the state.

It is estimated that 40,000 to 45,000 persons will need to be certified as private applicators in Kansas.

(2) Detailed statement of the required competency standards.

The private applicator is expected to show practical knowledge including the ability to:

- Recognize common pests to be controlled and damage caused by them.
- Read and understand the label and labeling information-- including the common name of pesticides he applied; pest(s) to be controlled, timing and methods of application; safety precautions; any pre-harvest or re-entry restrictions; and any specific disposal procedures.
- Apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentration of pesticide to be used under particular circumstances taking into account such factors as area to be covered, speed at which application equipment will be driven, and the quantity dispersed in a given period of operation.

--Recognize local environmental situations that must be considered during application to avoid contamination.

--Recognize poisoning symptoms and procedures to follow in case of a pesticide accident.

(3) Describe procedures that will be used to determine competency.

Section 8 of H B 2001 reads:

"In lieu of obtaining a commercial applicator's certificate under the provisions of section 4, individuals using restricted use pesticides for the purpose of producing any agricultural commodity may apply for and be issued a certified private applicator's certificate if such pesticide is to be applied (1) on property owned or rented by the individual or his employer, or (2) on the property of another for no compensation other than the trading of personal services between producers.

Certified private applicator certificates may be issued to individuals who have paid a fee of two dollars (\$2) and who have acquired practical knowledge of pest problems, proper storage, use, handling and disposal of pesticides and pesticide containers, pertinent information found on the pesticide labels, pesticide use safety and environmental considerations, either through Kansas State University extension service educational training or through individual study of educational materials available at county extension offices. Individuals shall indicate adequate knowledge of the subjects enumerated herein by passing an open book examination approved by the secretary.

Educational materials and examination blanks shall be made available at county extension offices and at places where extension educational training is conducted. The examinations shall be scored at such locations by members of extension staff. If an individual passes the examination by equaling or exceeding standard authority by the secretary, a certified private applicator's certificate shall be issued to such individual by the extension staff member conducting the training or supplying the educational materials and examination blank. Such staff member shall send a copy of the certificate issued, together with the fee, to the secretary."

(4) Describe procedures for certifying illiterates;

Under the "Kansas Pesticide Use Law" now in effect in Kansas, when testing of illiterates or Spanish speaking individuals, examinations are offered by the oral method by persons with ability to communicate fluently in Spanish. This examiner worked for a period of time in South America and is well qualified to properly check the competency of the applicant. The questions are the same as used in the written examination for the category being tested. This procedure will be continued under the proposed certification program.

(5) Current certification procedures for private applicators in the state.

Kansas has no certification program for private applicators at the present time.

(c) Describe and submit a facsimile of credentials to be used to verify applicator certification.

Exhibit attached shows copy of certificates and pocket cards now in use in Kansas under the Kansas Pesticide Use Law. It is expected that similar items will be used for certification.

(d) Government Agency Plan

H B 2001 reads in part:

Section 4 (e)

"federal employees using pesticides as a part of their employment by a federal agency which has its own certification program which is the full equivalent of the requirements of this state.

Section 23

"The secretary may cooperate or enter into formal agreements with any other agency or educational institution of this state or its subdivisions or with any agency of any other state or of the federal government for the purpose of carrying out the provisions of this act or securing uniformity of regulations.

(e) Applicators on Indian Reservations 171.10 (EPA Rules & Regulations)

The Lead Agency will make every effort to facilitate the certification of applicators on Indian Reservations under the authority granted in Section 23 which reads:

"The secretary may cooperate or enter into formal agreements with any other agency or educational institution of this state or its subdivisions or with any agency of any other state or of the federal government for the purpose of carrying out the provisions of this act or securing uniformity of regulations."

(f) Reciprocity with other states

H B 2001 reads in part:

Section 6

"An applicant for a commercial applicator's certificate shall show upon written examination that he possesses adequate knowledge concerning the proper use and application of pesticides in the categories for which he has applied:

Provided, That upon the recommendation of the secretary and payment of the proper fees, which shall not be less than any comparable fees charged by his state to Kansas certificate holders, a commercial applicator who holds a current certificate to apply pesticides commercially in any other state or political subdivision of the United States may be exempted from examination for certification in this state if such state or political subdivision's requirements for certification were the full equivalent of the requirements of this state at the time it was issued: And provided further, That the proper authorities of the state from which the applicant holds such commercial applicator's certificate, or its equivalent, agree to accept on an equal basis holders of certificates issued by the authorities of this state.

Applicants shall submit with each application an examination fee of fifteen dollars (\$15) per category in which the applicant is to be examined. Applicants who fail to pass the examination may reapply and take another examination upon paying another examination fee of fifteen dollars (\$15) per category in which the applicant is to be reexamined. The examination shall include, but is not limited to, the following:

- (a) The proper use of the equipment.
- (b) The hazards that may be involved in applying the pesticides, including:
 - (1) The effect of drift of the pesticides on adjacent and nearby lands and other non-target organisms;
 - (2) the proper meteorological conditions for the application of pesticides and the precautions to be taken therewith;
 - (3) the effect of the pesticides on plants or animals in the area, including the possibility of damage to plants or animals or the possibility of illegal pesticide residues resulting on them;
 - (4) the effect of the application of pesticides to wildlife in the area, including aquatic life;
 - (5) the identity and classification of pesticides used and the effects of their application in particular circumstances; and
 - (6) the likelihood of contamination of water or injury to persons, plants, livestock, pollinating insects and vegetation.
- (c) Calculating the concentration of pesticides to be used.
- (d) Identification of common pests to be controlled and damages caused by such pests.
- (e) Protective clothing and respiratory equipment for handling and application of pesticides.

(f) General precautions to be followed in the disposal of containers as well as the cleaning and decontamination of the equipment which the applicant proposes to use.

(g) Applicable state and federal pesticide laws and regulations.

(h) Any other subject which the secretary deems necessary."

The program for implementation of reciprocity is expected to meet the following conditions:

The State according reciprocity shall provide for issuance of an appropriate document verifying certification based upon the certifying document issued by the other State.

The State according reciprocity shall have enforcement procedures that cover out-of-State applicators to the same extent as those applicators examined and certified within the State;

The detailed State standards of competency, for each category identified in the reciprocity arrangement shall be sufficiently comparable to justify waiving an additional examination by the State granting reciprocity.

(g) Other regulatory activities

The Kansas Agricultural Chemicals (Economic Poison) Act provides for state registration of pesticides.

(6) Maintenance of State Plans 171.8 (Federal EPA Rules & Regulations)

(1) Assurance of enforcement

The present budget and personnel employed includes:

- 12.5 Field positions involved directly with enforcement
- 7.0 Field positions involved indirectly with enforcement
- 3.2 Administrative position which may be involved with enforcement

These persons will make regular checks to give some assurance that the certified applicators comply with the standards for the use of restricted use pesticides and carry out their supervisory responsibilities to non-certified applicators.

(2) Provisions for changing technology.

H B 2001 reads in part:

"A certified applicator's certification may be renewed for a succeeding three-year period by paying the fees prescribed in either section 4 or 8, as applicable, passing the examination provided for in either section 6 or 8, as applicable, and completing the renewal application form prescribed by the secretary.

In lieu of such examination, the secretary may accept attendance and satisfactory completion of a training course approved by the secretary."