

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at
Chairperson

10:00 a.m./~~p.m.~~ on March 7, 19~~82~~⁸⁵ in room 423-S of the Capitol.

All members were present except: Senator Doyen (excused)
Senator Gordon (excused)

Committee staff present: Raney Gilliland, Research Department
Jim Wilson, Revisor of Statute's Office

Conferees appearing before the committee: Freeman Biery, Director, Noxious Weed Law
Administrator, State Board of Agriculture
Marsha Hutchison, Kansas Fertilizer and
Chemical Association

Senator Allen called the committee to order at 10:10 a.m. to continue committee discussion on SB 172.

Senator Gannon presented copies and made a motion for a substitute amendment for SB 172 section two. Senator Karr seconded the motion. (see attachment A). Discussion followed concerning which place this proposed farmer program could be best administered from, the Extension Service at Kansas State or the State Board of Agriculture. Senator Gannon removed his amendment.

Senator Karr made a conceptional substitute motion for SB 172 with section A reading "the secretary of the State Board of Agriculture with cooperation of the Director of Extension Service shall coordinate a farm assistance, counseling and training program". Senator Kerr seconded the motion. Motion carried.

Senator Karr made a motion to recommend SB 172 favorably for passage as amended. Senator Norvell seconded the motion. Motion carried.

Senator Allen requested the committee turn its attention to the hearing on SB 331. The chairman called on Freeman Biery to explain the bill. (see attachment B).

Discussion followed concerning fees to be collected by this proposed bill. Jim Wilson stated the placement of the fee would require an amendment to prevent the fees going into the State General Fund.

Marsha Hutchison stated the 400 some members of the Kansas Fertilizer and Chemical Association have reviewed SB 331 and heartily approved the bill.

Senator Allen declared the hearing completed on SB 331 and called on the committee for action.

Senator Warren made a conceptional motion that would require fees collected by this bill be deposited with the State Treasurer and credited to the Fee Fund. Senator Kerr seconded the motion. Motion carried.

Senator Warren made a motion SB 331 be recommended for passage as amended. Senator Gannon seconded the motion. Motion carried.

Senator Allen adjourned the committee at 11:00 a.m.

GUEST LIST

COMMITTEE: SENATE AGRICULTURE

DATE: March 7, 1985
10:00 a.m.

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Scott Faust	Topoka	Eagle-Beacon
Shawn McGrath		FM
Shawn McGrath	Lawrence	KNRC
Jim Ploger	Topoka	Gov Ofc
Joe Lieber	" "	Ks Co-op Council
Nancy Kantola	Topoka	Ks Co-op Council
Mary Rice	"	Intern - A.G.'s offc.
MaryAnn Bumgarner	" "	Intern - Sen. Burke
Rich McKee	Topoka	K, L. A.
Mike Beam	"	"
Steve Montgomery	"	Ks. Legal Services
Martha Blomquist	Ks. Univ. of Public Affairs, Lawrence Ks	
Freeman E. Biery	Topoka	K. State Bd of Agri
Bill R. Fuller	Manhattan	KFB
Carol & Hedges		
LARRY D. Woodson	TOPEKA	KBOA
Archie Hurst	"	"
Sherry R. Ruck	"	KLS
David A. McFarlane	Baldwin City	K, Aerial Applicators ASS.
MARSHA HUTCHINSON	HUTCHINSON	K7CA
John K. Blythe	Manhattan	Ks Farm Bureau
M. Hawco	Topeka	Cur - Surveys
DORIS NAGEL	Topoka	Div. of Budget
Donacka	TOPEKA	ST BOARD OF AGRICULTURE

SENATE BILL NO. _____

By Committee on Agriculture

AN ACT establishing a farm assistance, counseling and training program.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Inasmuch as the economy of this state is based, to a large extent, on agriculture and inasmuch as the survival of the individual farmers, ranchers and agribusinessmen in this state is placed in jeopardy as a result of low commodity prices, high interest rates, the declining value of land used for agricultural purposes, the federal budget deficit, the forces of nature and the increasing rate of farm foreclosures, it is therefor declared that the purpose of this act shall be to establish a program to directly assist farmers, ranchers and agribusinessmen in avoiding and alleviating the problems and distress resulting from or associated with the adverse conditions and forces with which they are presently faced.

Sec. 2. (a) The ~~direector--of--extension--of--Kansas--state~~ university secretary of the state board of agriculture shall coordinate a farm assistance, counseling and training referral program. For the purposes of providing such assistance and program, the ~~direector~~ secretary shall utilize the services of the director and division of extension of Kansas state university, other state agencies, county extension personnel, municipal and community services organizations and personnel and private business and professional agencies or services available for such purpose. The ~~direector~~ secretary shall compile a directory of programs and services which may be utilized in providing the assistance contemplated by this act. The ~~staff-of-the-direector~~ personnel employed by the secretary for this purpose and county extension personnel shall be utilized in: (1) Receiving requests

3/7/85 attachment A

for assistance; (2) determining the eligibility of persons requesting assistance; and (3) determining if such assistance can best be provided by staff or by referral to an appropriate public or private agency or party for direct assistance. Personnel receiving requests for assistance will provide where possible such assistance or refer the person requesting such assistance to an agency or person qualified to provide such assistance in the home community or county of the person requesting such assistance.

(b) Persons shall be eligible to receive assistance pursuant to this act if they: (1) Are primarily engaged in the business of farming, ranching, agribusiness or other agriculture-related activities; and (2) will be unable to continue in such business or activity or be seriously handicapped in such continued operation without the assistance provided pursuant to this act.

(c) The assistance to be made available to eligible persons by staff or by referral to appropriate persons or agencies shall include farm management, legal assistance, financial planning, employment services, business planning and other support counseling.

(f) The provisions of this act shall expire on June 30, 1987.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

STATE OF KANSAS



STATE BOARD OF AGRICULTURE
109 S.W. 9th
Topeka, Kan. 66612-1280
HARLAND E. PRIDDLE, Secretary

A SOMEWHAT PERSONAL AND CONFIDENTIAL MEMO

TO: Legislative Leadership
FROM: Kansas State Board of Agriculture
RE: Pesticide Dealer Problems

When the Regional Environmental Protection Agency office informed us of the enforcement actions they were taking against seven of our Kansas Dealers, involving E.P.A. assessing a total of \$35,300 in total fines, our full attention was obtained. We immediately (November 21) wrote a letter to the Region VII E.P.A. Administrator, Morris Kay, asking for clarification.

On December 18, 1984 three of the Board of Agriculture staff, namely, Harland E. Priddle, Secretary, Ken Wilke, Attorney, and Freeman E. Biery, Director, Weed and Pesticide Division, met with Morris Kay and his staff in the Region VII E.P.A. office in Kansas City. The main topic of discussion was "Dealer Regulation". Kansas pesticide laws do not regulate dealers by a registration or a licensing law requirement. This leaves the regulation of dealers a Federal responsibility. Most other states have a "dealer" registration or licensing law. Kansas dealers and farmers are under a different form of control and it has been to the disadvantage of Kansans.

The greatest disadvantage is the fact that only certified individuals can pick up "restricted use" pesticides from the dealers. This equates into a fact that the farmer's wife or hired man can not pick up the pesticide supplies for the certified farmer to use unless they are also certified.

Historically, the farmer's wife has picked up the pesticide, but this was made possible by a verbal agreement with the Regional office to allow such procedure. Recent regulation changes made by E.P.A. remove this privilege.

Before December 18 and since, with great regularity, the Board of Agriculture has been contacted via phone and letters by county agents, dealers and others about their problems stemming from the situation.

The Board of Agriculture assured each person that we would inform the Legislature of the situation.

The attached material is our means of honoring our promises.

We think the material is self-explanatory, but we stand available to any Legislative group to answer questions as to our knowledge and "opinion".

3/7/85

attachment B

WHY WE NEED A DEALER REGISTRATION LAW

Since Kansas does not have Dealer Registration authority it is unlawful, under Federal law, to make available for use any Restricted Use Pesticide to anyone other than a certified applicator.

How it affects the farmer:

- 1) - The wife (son, daughter, husband, hired hand) cannot now pick up a regulated pesticide, unless she/he is currently certified, which causes a real handicap to the farmer applying pesticides.
- 2) At present, there are 16,800 privately certified applicators with this handicap.
- 3) With upcoming changes in classification to restricted status for many of the commonly used Kansas pesticides, it is estimated by 1986 that 30,000 Kansas farmers may be experiencing this handicap.

How it affects the dealers:

- 1) Presently, there is no listing of pesticide dealers compiled as a result of state statutory requirements.
 - a. Therefore, when dealer needs information regarding changes in Federal law affecting their ability to operate legally, no state department has the ability to correspond this needed information to the dealer.
 - b. When pesticide registrations are cancelled or suspended, the State Department of Agriculture, to be able to accomplish responsibilities, must use a search, hit-and-miss procedure to identify the dealers which are affected. This causes costly delays and inefficiencies.
 - c. It is necessary, at times, for the Department of Agriculture to issue "stop sale" seizure of certain improperly labeled pesticides, and there is no way to make it an equitable application of this regulatory function when all of the pesticide dealers are not known.
- 2) Most pesticide dealers wish to comply with the many safety standards which are prepared for their use, but since their dealership is not known, the state has no way to supply this service.
- 3) Presently, the Federal Government regulates dealers but have no staff to give service and information to dealers until the dealer has violated the Federal statute and is subject to large fines or penalties.
- 4) By having a Kansas dealer registration, Kansas can submit a plan for registering dealers, for acceptance by the Federal EPA and, if accepted, the state gives information and service to the Kansas dealers. This plan can be written to allow uncertified persons to pick up restricted pesticides, if proper records are maintained. This is standard practice in states having dealer regulations.

DEALER REGULATION

The State of Kansas has primacy for regulating pesticide use except for regulation of dealers. This has made it necessary for the Federal regulators to do enforcement in Kansas. If Kansas wishes to have more complete primacy, there will need to be a change in the Kansas Pesticide Law.

The following is suggested wording:

(a) Each person who is a pesticide dealer shall register with the State Board of Agriculture. Registration shall be required for each business location distributing pesticides and shall be accomplished on a form to be provided by the Secretary of the State Board of Agriculture. Each registration shall expire on June 30 following issuance unless such registration is renewed annually. A registration fee of twenty-five dollars (\$25) shall accompany the application.

(b) Provisions of this section do not apply to a licensed pesticide operator who sells pesticides only as an integral part of his pesticide application service when the pesticides are dispensed only through equipment used for this pesticide application, nor to any federal, state, county, or municipal agency which provides pesticides only for its own programs nor to any individual who is the final purchaser of a pesticide for application to property or property rights owned, leased, or otherwise acquired by him.

(c) Each registered pesticide dealer is responsible for the acts of each individual employed by him in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The dealer's registration shall be subject to denial, suspension, or revocation after a hearing for any violation of this chapter whether committed by the dealer, or by the dealer's officer, agent or employee.

(d) A pesticide dealer shall be any person who sells a pesticide to another person for application.