

Approved February 26, 1987
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at
Chairperson

10:09 a.m. ~~xxx~~ on February 25, 1987 in room 423-S of the Capitol.

All members were present ~~except~~

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

Conferees appearing before the committee: Sam Brownback, Secretary of State Board of
Agriculture
Dale Lambley, Plant Health Division, State Board
of Agriculture
Stephen Watts, Executive Secretary, County Weed
Directors Association of Kansas and
Director, Gove County Noxious Weed
Bruce Foster, Kiowa Noxious Weed Department
Roy Patton, Harvey County, President, County
Noxious Weed Departments
Evan Swartz, Shawnee County Noxious Weed Department
Mike Kleiber, Kansas Fertilizer and Chemical
Association
Beverly Bradley, Kansas Association of Counties

Senator Allen called the Committee to order for the hearing on SB 222.
The Chairman called on Sam Brownback to testify.

Mr. Brownback expressed support for SB 222 and for the provision of
the bill that would allow the State Board of Agriculture to establish at
least three and not more than five noxious weed control districts in our
state. Mr. Brownback stated the provisions of SB 222 would help his
department with the control of noxious weeds in our state. Mr. Brownback
introduced Dale Lambley to testify.

Mr. Lambley gave copies of his testimony to the Committee (attachment 1),
and then expressed support for the bill with the addition of an amendment.
The suggested amendment would add after the period in line 0056, 'Whenever
any assistant state weed control director is required to perform the duties
of a city, county, or district weed supervisor pursuant to this act, the
city, county or district shall supply and make available at no cost to
the assistant state weed control director, any and all chemicals, equipment,
personnel office space and other support services required by the assistant
state weed control director necessary to do the job.'

During Committee discussion Mr. Lambley stated he believed SB 222
would provide needed authority to do a good job in Kansas of controlling
noxious weeds. Mr. Lambley stated he felt a noxious weed program could
not be operated from one office in Topeka that would be beneficial for the
whole state but that the concept of three noxious weed control districts
would be the best. It was also stated that railroads basically only work
at controlling noxious weeds along their tracks as a noxious weed supervisor
requests them to eradicate. The Chairman stated the fiscal note for SB 222
is \$115,940.

The Chairman thanked Mr. Lambley and called on Stephen Watts to
testify.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:09 a.m. ~~10:00~~ ^{xxx} on February 25, 1987.

Mr. Watts expressed support for SB 222 and stated that the bill would strengthen the noxious weed program. Mr. Watts expressed disappointment with budget cuts which makes changes in the training of weed supervisors; Mr. Watts believes that Kansas State is inexperienced for training weed supervisors. He encouraged passage of SB 222 by the Committee.

The Chairman thanked Mr. Watts and called on Bruce Foster to testify.

Mr. Foster provided the Committee with copies of his testimony (attachment 2) and expressed support for SB 222. Mr. Foster stressed need for training by District Specialists for Weed Supervisors.

During Committee discussion it was stated that maybe counties would no longer have a noxious weed department if there is no state supervision watching what the counties are doing. It was pointed out that the State Board of Agriculture is working on a plan whereby Kansas State and the Board of Agriculture would sponsor a 5 day training jointly for weed supervisors.

The Chairman thanked Mr. Foster and called on Roy Patton to testify.

Mr. Patton spoke in support of SB 222 and expressed support for training of weed supervisors as it has been done in the past. He stated the State Board of Agriculture provides any new information and speakers for the training sessions held by the County Noxious Weed Associations.

The Chairman next called on Evan Swartz to testify.

Mr. Swartz stated that the state has good noxious weed laws but that we need better enforcement. He stated the attitude of the County Commissions dictates the kind of weed control program the counties have. He stressed the need of the District Supervisors for enforcement and compliance of the noxious weed laws for problems that cross county lines.

During Committee discussion Mr. Swartz stated he felt County Commissioners needed to be more forceful with the noxious weed program and that the state needed to be more selective in selecting district supervisors.

The Chairman called on Mr. Kleiber to testify.

Mr. Kleiber gave copies of his testimony to the Committee (attachment 3) and expressed support for SB 222. He expressed support for strong noxious weed law for Kansas. He requested a thorough review of our noxious weed law and suggested maybe an interim study of the issue was needed.

The Chairman thanked Mr. Kleiber and called on Ms. Bradley to testify.

Ms. Bradley handed copies of her testimony to the Committee (attachment 4) and expressed the need for more than just one office for the state to be in Topeka to supervise all noxious weed programs. She expressed the need for stronger regulations and support for an interim study of the noxious weed law.

The Chairman thanked Ms. Bradley and announced that Mike Beam, who was unable to be present at this meeting, would be giving the Committee a written statement in support of SB 222.

Senator Allen adjourned the Committee at 11:03 a.m.

GUEST LIST

page 1

COMMITTEE: SENATE AGRICULTURE

DATE: February 25, 1987

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
RAY DeJulio	RT 1 Box 203 Pomona, KS	FRANKLIN COUNTY NOX Weed Dept.
Evan Swartz	6333 SW 6 th ^{Topeka}	SN. CO. Norwich Weed Dept.
Kenneth M. Wilke	Topeka	KSBA
Roy Patton	RR1 Box 84A Moundridge	Harvey Co. Noxious Weed Dept.
Bruce Foster	RR1 Box 100C Greensburg	Kiowa Co Nox Weed
Mike Kleiber	RT 2 Box 192 A. Hilborn	Ag Service Inc.
Joe Lieber	Topeka	Ks. Co-op Council
CARROLL L. MORGENSON	TOPEKA	KDOT
Bill Fuller	Manhattan	Kansas Farm Bureau
Byron Patton	Topeka	Ks. Ag. Farmer employees
Lois PATTON	Topeka	VISITOR
John O. Miller	Topeka	KCSIC
GAILEN E TYRELL	CLAY CENTER	CLAY CO WEED
RALPH NAASZ	SMITH CENTER	SMITH CO NOX WEED
DON MADLIN	MANHATTAN	JEWELL CO. WEED DIR.
FRANK GRAY	ABILENE	DICKINSON Co. Weed Dir.
Riley Walters	Cassoday	Butler Co. Weed Dir.
LEO WILLIAMS	Lyndon	Osage Co Weed Dir.
Freeman Biery	Topeka	
ROD SCHWEIDER	TOPEKA	KS RURAL CENTER
Wilbur Leonard	Topeka	Comm. Ks. Farm Org.
BOB BRADLEY	Topeka	KS Association of Counties
William T. Scott	Topeka	KSBA
Dana Garwood	Topeka	Ks. St. Bd. of Ag.

TESTIMONY

Senate Bill 222

PRESENTED TO

SENATE COMMITTEE ON AGRICULTURE

by

Dale Lambley, Director
Kansas State Board of Agriculture
Plant Health Division

February 25, 1987

*attachment 1
Senate agriculture
2-25-87*

Senate Bill 222

PROPOSED AMENDMENT TO THE KANSAS NOXIOUS WEED LAW

February 25, 1987

Senate Bill 222 amends the current noxious weed statute in two different areas: (1) the bill mandates the establishment of a specified number of weed districts within the state to which an assistant state weed control director or specialist would be assigned; and (2) the bill mandates an increased state role in enforcement of the law. Consequently, I would like to address each of these items although they are interrelated.

First of all, we believe that Kansas currently has one of the better noxious weed control programs in the country. The findings of a performance audit concerning our program as compared with similar programs in neighboring states support that belief. We also recognize, however, that there is room for improvement and that variability exists from county to county.

The success of the Kansas program results primarily from commitments by both counties and the state, and from the state's coordination of program activities and efforts. I believe overall coordination of the efforts of the 105 county programs in Kansas is essential to the success of the Kansas program. We're quite sure that the counties also recognize this fact. The opposite side of the coin is illustrated by Oklahoma and Nebraska. Each of these states have laws much like the Kansas Noxious Weed Law but lack definitive state leadership. Inevitably, this results in virtually no weed law enforcement in these two states.

Agency budget shortages resulted in the loss of five area weed specialist positions. Suffice to say that we cannot maintain the existing level of program performance and coordination of county programs without field personnel much less provide increased enforcement activity and program efficiencies.

The language in lines 0053 through 0056 imposes additional duties upon the state's noxious weed program. In short, this language requires the assistant director to perform the duties of county, city or district weed supervisors employed under K.S.A. 2-1316 whenever they fail or refuse to perform their duties. Providing this language would give the state a better ability to coordinate and see to uniformity of performance. This could also require the state noxious weed technical specialist to perform noxious weed duties for the entire state. Clearly this is an impossible task for one man.

In order to make this language administratively feasible within the personnel parameters contained in lines 0036 and 0037, I suggest that the following language be added after the period in line 0056:

"Whenever any assistant state weed control director is required to perform the duties of a city, county, or district weed supervisor pursuant to this act, the city, county or district shall supply and make available at no cost to the assistant state weed control director, any and all chemicals, equipment, personnel office space and other support services required by the assistant state weed control director necessary to do the job."

The fiscal note prepared by the State Board of Agriculture contains the provision for three assistant state weed control directors. Although four such persons might be more advantageous, the Board of Agriculture recognizes the current state revenue situation.

We would recommend your favorable consideration of this bill.

attachment 1

Kiowa County Noxious Weed Dept.

1006 ~~████~~ South Grove
GREENSBURG, KANSAS 67054

Telephone: ~~██████████~~

723-2304

February 25, 1987

SENATE AGRICULTURE COMMITTEE HEARING

CONCERNING: SENATE BILL 222-KSA 2-1315

I urge you to consider entering this bill to the entire legislature for the following reasons. This bill would reestablish the continuity for educating County Weed personnel in the proper use and handling of the chemicals that by law are to be used. As an example, Phenoxy herbicides need special handling due to the potentially hazardous nature of this chemical as well as all chemicals that are used in all industries of Kansas. Thus, the liability question that has surfaced to be a major issue on the minds of County Commissioners. Through implementation of this bill, it would show County Commissioners that the State still supports and backs the Kansas Noxious Weed Law and that Kansas is not following the lead of other states.

Producers of this State spent over 14 million dollars (\$14,200,000) in 1985 for Noxious Weed control with a return of six (\$6) to ten (\$10) dollars return for every dollar spent. This is money in the producers' pocket. Producers spent an estimated 15.7 million in 1986, and I would think that the State could counter with reestablishing the positions so that producers could, through their County Noxious Weed departments, have the avenue for their education that they have had in the past for their safety as well as the community around them. Due to the outcome of this bill, one county that I know of in the South Central Weed District will or will not have a Noxious

*attachment 2
Senate agriculture
2-25-87*

Kiowa County Noxious Weed Dept.

1006 ██████ South Grove
GREENSBURG, KANSAS 67054

Telephone:
██████████
723-2304

Weed Department. To my knowledge, there are two counties in the West District that will close their doors at the Weed Department when the present Weed Director retires, and there may be more, depending on the outcome of this hearing on Senate Bill 222.

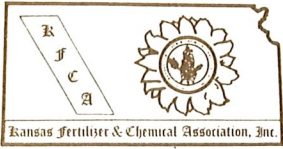
Not only is the State feeling the crunch of economic times, but counties are also feeling it. Counties, like all others, try to get the most least expensive item to fill the position and, unfortunately, it is not always adequate even at the low end of the spectrum. These people that the counties hire need the education that District Specialists provide so that they may be competent individuals in that position for the people of the County that they serve. I hope that you will consider this bill for approval to be entered into the Legislature for their consideration.

Thank you,

Bruce Foster

Kiowa County Weed Director

RBF/pst



KANSAS FERTILIZER AND CHEMICAL ASSOCIATION, INC.

Box 1392

Hutchinson, Kansas 67504-1392

316-662-2598

STATEMENT OF THE
KANSAS FERTILIZER AND CHEMICAL ASSOCIATION
TO THE SENATE AGRICULTURE COMMITTEE

JIM ALLEN, CHAIRMAN

REGARDING SENATE BILL 222

FEBRUARY 25, 1987

Mr. Chairman and Members of the Committee, I am Mike Kleiber, owner/operator of Ag Services, Inc., of Hillsboro, Kansas. I am the immediate past president of the Kansas Fertilizer and Chemical Association (KFCA), which I am representing in appearing before you today regarding Senate Bill 222. KFCA's members are the state's agricultural chemical and fertilizer retailers, manufacturers and distributors.

An effective noxious weed control program is an integral part of the total weed control program for the state. Our Association, therefore, has an active interest in the successful implementation of the Noxious Weed Law. Over the past few years, some of our members have become increasingly concerned that the state's noxious weed control program is not as effective as it should be. Moreover, we are concerned that not only are some county weed programs less effective than they should be, some

*attachment 3
Senate agriculture
2-25-87*

|

page 2 - KFCA - February 25, 1987

have taken on inappropriate roles. For that reason, a Noxious Weed Task Force, which I chair, was established within our Association to study the problems with the law's enforcement and implementation and develop possible solutions. Some of the problems we found are outlined in the background information which is being provided to you with this statement.

A 1985 performance audit report to the Legislative Post Audit Committee, which reviewed the enforcement of the Noxious Weed Law, found that Kansas spends over \$11 million annually in the treatment of noxious weeds. Yet since 1975, for instance, field bindweed infestations have increased by 9% (nine percent), and Johnsongrass has increased by 27%. The report also states that many of the counties are not adequately enforcing the law. Thus, the lack of consistency from one county to the next means that neighboring landowners and neighboring counties repeatedly reinfest each other. As a result, we do not move closer to the goal of controlling or eradicating noxious weeds. According to the post audit report and a survey of the county weed directors themselves, conducted in 1985 by the State Board of Agriculture, many counties are hesitant to enforce the law, not wanting to assume the regulatory role.

Instead, some counties have taken on roles of providing

chemicals for non-noxious weeds and some are involved most heavily in chemical sales. For instance, one county has a "Big A"-type powered flotation applicator and is purchasing another one. This county is in the business of selling chemicals, not about the business of eradicating noxious weeds. In such a county, the weed director's time is spent in selling chemicals, a great deal for the treatment of non-noxious weeds, and not in providing technical assistance to landowners and producers in the treatment of noxious weeds and in enforcing the law. A great deal of county tax dollars are spent on salaries, buildings and equipment to support a government entity which is virtually in competition with the private sector taxpaying retailers. We feel this situation is counterproductive to all involved.

For these reasons, KFCA supports a stronger state role in enforcement of the law. We are therefore supportive of restoring the cut district supervisor positions as SB 222 provides. We also support giving the Board of Agriculture the authority to assume control of county or city programs which are not adequately enforcing the law, as directed in this bill. But we question who will provide the resources should such a step be warranted.

While we support these provisions, we feel strongly that

attachment 3

2-25-87

there are some basic problems with the Noxious Weed Law and that SB 222 does not go far enough. We believe it is somewhat futile to restore the district positions and give the state additional authority unless some of the other problems with the law are addressed. But this is certainly no time for the state to abdicate rather than strengthen its noxious weed control role. We therefore would conditionally support this bill, respectfully requesting that an interim study be conducted of the Noxious Weed Law. Secretary Brownback suggested during testimony before this committee earlier this session that such a study be undertaken, and we believe it is important to do so to more fully explore the issues regarding the law at this time.

The KFCA Noxious Weed Task Force has developed a proposal for restructuring the law, which has been endorsed by our full Association and by the Kansas Grain and Feed Dealers Association. Since last December, we have met with various farm and other interested organization representatives and Board of Agriculture personnel to discuss this proposal. While this proposal has received considerable support, even from at least one county weed director, it is not at this point a consensus proposal. So, we are providing an outline of it to you for your information, but not asking you to consider adoption of it at this time. We plan

page 5 - KFCA - February 25, 1987

to continue working with other interested groups and hope that our proposal in some form will be considered by an interim committee.

In summary, we feel we must support SB 222 with reservations. The state should not move backward in controlling noxious weeds, as we would if SB 222 is not enacted. But we do need to move forward and SB 222 will perhaps maintain the status quo, with likely fewer district supervisors and perhaps modest improvement in state authority. We hope that you will take the next step forward in improving Kansas' control of noxious weeds by recommending an interim study of the law.

Thank you for the opportunity to present KFCA's views. I will be happy to respond to any questions you may have.

NOXIOUS WEED LAW

BACKGROUND

A 1985 performance audit report to the Legislative Post Audit Committee, which reviewed the enforcement of the Noxious Weed Law, found that Kansas spent over \$11.3 million on treatment of noxious weeds in 1985. Yet at most, only 58% of the weeds were treated. While we are spending \$11-12 million annually, since 1975, field bindweed infestations have increased by nine percent, and Johnsongrass has increased by 27 percent. The report also states that many of the counties are not adequately enforcing the law. Thus, the lack of consistency from one county to the next means that neighboring landowners and neighboring counties repeatedly reinfest each other, and we are not gaining on the goal of eradicating noxious weeds.

As with any program, some counties do a really good job and others do not. Some of our members have expressed that their counties do a good job of working with producers and chemical dealers and that they all work together to get the job done. However, many of our members feel that the law is not being adequately enforced or is being abused in their counties. Problems cited include the following:

1. Untreated noxious weeds cause economic loss to producers and to neighbors whose land become infested as a result of their neighbor's failure to properly treat noxious weeds. (The Board of Agriculture says that every dollar spent on noxious weed treatment results in a \$10.00 return to the farmer through increased productivity.)
2. Some weed directors refuse to enforce the law because they don't want to offend landowners who have noxious weeds. County commissioners often don't want to antagonize voters by taking a strong enforcement stance. (These problems were cited in the performance audit report.)
3. Tax dollars for weed control often go more for such expenses as salaries, buildings and equipment than for cost-sharing on the chemicals.
4. In some counties, weed departments are selling chemicals for use on non-noxious weeds as well as noxious weeds, using tax dollars to compete with private industry (taxpayers). For instance, one county has a "Big A"-type powered flotation applicator and is buying another one. This county is in the chemical business.
5. In many cases, weed directors do not have enough time, due to chemical sales and attention to non-noxious chemical sales, to do their basic jobs--provide technical assistance to landowners and producers in the treatment of noxious weeds, to see that noxious weeds on private lands are treated, and to provide for the treatment of noxious weeds on public lands.

NOXIOUS WEED LAW

PROPOSAL OF REVISION

What are the purposes of this revision?

To increase the effectiveness of the Noxious Weed Law to provide cost savings to counties and producers; provide county weed directors more time for enforcement and educational efforts; eliminate situations of government entity (tax dollars) directly competing with the private sector (tax payers).

How would this be accomplished?

The county weed director would be given additional responsibilities for providing technical assistance to producers and for enforcing the law. We also support a much broader authority for the state through a stronger role in enforcement for the State Board of Agriculture.

How would this take place?

A Certificate of Cost Share would be issued to the landowner or tenant. It would state the dollar amount the county would pay for the purchase of chemical to be used in controlling noxious weeds.

How would this work?

The landowner or tenant would go in to the Noxious Weed Director and identify land infested with noxious weeds. The landowner and director would determine which chemical would best control the pest, identify the acreage to be treated, and from that information determine how much chemical would be needed for control.

The director would then issue a Certificate of Cost Share. (This would become void if chemical was not purchased 30 days from issued date of certificate.) This certificate would provide the following information:

1. The legal description of the land to be treated.
2. The acreage to be treated. (Map?)
3. The units of chemical needed to treat acreage.
4. Dollar amount per unit the county will cost share.
5. Total dollar amount county will cost share.

This certificate would be taken to chemical dealer of his choice and be presented for purchase of chemical.

The chemical dealer would issue invoice for the total amount of chemical to be purchased, showing cost per unit. The credit for the amount of the Certificate would be shown as a separate item on invoice issued. Dealers and landowner would then complete the bottom part of Certificate of Cost Share.

Upon completion of Certificate, the dealers would send in Certificate and copy of invoice to county weed director. The director would compile Certificates until the end of month and reimburse dealer by 10th of the following month for all certificates redeemed during prior month.

NOXIOUS WEED LAW

ADVANTAGES OF THIS CHANGE IN THE LAW

1. It will allow the Noxious Weed Director to have more free time to do his designated job, to enforce th Noxious Weed Law.
2. It will relieve the county of using funds required to inventory chemicals used for noxious weeds.
3. It will reduce the liability of the county for storage and distribution of chemical.
4. It will reduce the cost for the county; maintaining employees for distribution of chemical, warehouse facilities (heated storage), which in turn would increase funds to be used for cost sharing of chemicals for noxious weed control by landowner or tenants.
5. It will allow landowner or tenant to purchase chemical from dealers of his choice. Benefitting from service, quality of chemical, reduced transportation of chemical, etc.
6. It will eliminate additional charges made by custom applicators for applying chemical not purchased from said business.
7. It will allow for more efficient use of distribution facilities, already in place with the private sector, reducing cost per unit for overhead.
8. It will allow dealers to purchase chemicals in larger volumes, which in turn will allow the dealers to pass discounts on to the customers.
9. It will eliminate the competition between chemical dealer or custom applicator and the noxious weed director. This will allow them to work together with the landowner or tenant to eradicate noxious weeds..
10. It will reduce economic losses due to noxious weeds, because of increased enforcement of the law.
11. It will assist growers in associated weed control in crop production.
12. It will decrease the expense to the taxpayers of the Noxious Weed Law relative to the benefits derived.

NOXIOUS WEED LAW PROPOSAL

QUESTIONS & ANSWERS

- Q. Will this proposal take the county weed department's responsibilities away from them?
- A. No. It will assist the county in carrying out its responsibilities by involving to a greater degree the private sector chemical retailer in the treatment of noxious weeds. Under the present system, the county is often unable to carry out its primary responsibilities of treating noxious weeds. This proposal should enhance rather than detract from the county's authority.
- Q. Will this proposal increase the cost of chemicals to farmers?
- A. No. The farmer will receive a discount from the retailer, just as he does from the county. The cost to the producer may even be less because of the retailer's ability to buy in greater quantity and reduction of county overhead costs.
- Q. Is KFCA seeking this change in order to allow dealers to make more money?
- A. No. We feel the present law simply isn't getting the job done. The counties should have a governmental/enforcement role and the retailers should have the business private sector role. By working together, much more can be accomplished.
- Q. Will this proposal decrease the authority of the county commissioners?
- A. No. Their authority would remain the same. But they will be able to draw upon the private sector to aid them in accomplishing their charges under the law.
- Q. Will this be more time consuming for the farmers?
- A. Not really. What it does require is that the farmer sit down with the county weed director and plan for the treatment of noxious weeds on his land. The director will then give him a certificate which he will take to the retailer of his choice. This planning simply makes good sense and can prove more effective in controlling noxious weeds.
- Q. Will this create more paperwork?
- A. Good county programs currently maintain records on each participating producer. This proposal would require no more paperwork on each participant. Retailers would have more paperwork, but the county would reimburse the retailers only once per month.

Q. Why change the present system?

A. Kansas spends significantly more than the surrounding states on noxious weed control, and yet the recent legislative post audit report shows that some counties are not adequately enforcing the law and that some infestations continue to increase. Kansas' agriculture chemical retailers believe this is due in large part to inefficient use of county resources. Counties need to concentrate on the governmental role and utilize the private sector as a partner in getting the job done.

Kansas Association of Counties

Serving Kansas Counties

212 S.W. SEVENTH STREET, TOPEKA, KANSAS 66603 PHONE 913 233-2271

February 25, 1987

To: Senator Jim Allen, Chairman
 Members Senate Agriculture Committee

From: Bev Bradley, Legislative Coordinator
 Kansas Association of Counties

Re: SB-222 Concerning Noxious Weed Control Districts

Good morning. Thank you Mr. Chairman and members of the committee for allowing me to testify today in support of SB-222. We have heard from Western Kansas commissioners particularly, saying they are apprehensive about the loss of all the district weed directors and feel there is a real need for at least one person in the Western part of the state.

We understand the economic crunch because counties are feeling it as much as the State. It seems to us, however, that if the regulations are to be followed, some State supervision and help would be required.

I'm not certain how the committee sees the new section D functioning. I would be surprised if a State assistant director had time to run a city or county program, particularly if there are only three in the entire state.

If an interim study is proposed, the Kansas Association of Counties would also support this concept since we feel there should be a complete review and codification of all statutes relating to the control of noxious weeds.

Thank you for your consideration in support of SB-222.

attachment 4
Senate agriculture
2-25-87