

Approved March 5, 1987
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at
Chairperson

10:12 a.m. ~~XXX~~ on March 3, 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: Bill Fuller, Kansas Farm Bureau
Mike Beam, Kansas Livestock Association
Chris Wilson, Kansas Fertilizer & Chemical Assoc.
Joe Lieber, Kansas Cooperative Council
Wilbur Leonard, Committee of Kansas Farm Organ-
izations
Howard Tice, Kansas Association of Wheat Growers
Terry Shistar, Sierra Club
Dale Lambley, Plant Health Division, State Board
of Agriculture
Chris Wilson, Kansas Grain and Feed Dealers
Association

Senator Allen called the Committee to order and called attention to SB 278; he then called on Bill Fuller to testify.

Mr. Fuller gave copies of his written testimony to the Committee (attachment 1) and then expressed support for SB 278.

When asked why this bill had been requested, Mr. Fuller answered that it was known as the "Agricultural Nuisance Lawsuit Act" and that it was requested as preventive legislation; he stated that few lawsuits have been filed in Kansas up to this date. Mr. Fuller explained that some changes had been requested and a balloon draft of the bill has been prepared showing the changes. Staff gave copies of the balloon draft showing the revisions (attachment 2).

The Chairman thanked Mr. Fuller and called on Mike Beam to testify.

Mr. Beam gave copies of his testimony to the Committee (attachment 3) and then urged the Committee to support SB 278.

The Chairman thanked Mr. Beam and called on Chris Wilson to testify.

Ms. Wilson handed the Committee copies of her testimony (attachment 4) and then expressed support for the bill and requested the Committee recommend favorably SB 278 for passage.

The Chairman thanked Ms. Wilson and called on Joe Lieber to testify.

Mr. Lieber gave copies of his testimony to the Committee (attachment 5) and expressed support for the bill. Mr. Lieber suggested that maybe the word 'party' in the bill needed to be defined so that it did include professional applicators.

Staff stated that the word did not need to be defined because professional applicators are included in the present wording of the bill.

Senator Allen thanked Mr. Lieber and called on Wilbur Leonard to testify.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:12 a.m./~~p.m.~~ on March 3, 1987

Mr. Leonard gave copies of his testimony (attachment 6) to the Committee and urged the Committee to recommend SB 278 favorably for passage.

The Chairman thanked Mr. Leonard and called on Howard Tice to testify.

Mr. Tice stated that SB 278 was a good bill. He stated there are so many nuisance lawsuits in our country that he encouraged support for this bill which would discourage such nuisance lawsuits. He commended Kansas Farm Bureau for requesting this piece of legislation and commended the Committee for holding a hearing for the bill. Mr. Tice encouraged the Committee to request favorably the passage of SB 278.

Senator Allen thanked Mr. Tice and called on Terry Shistar to testify.

Ms. Shistar gave the Committee copies of her testimony (attachment 7) and then testified in opposition to the bill.

During Committee discussion Ms. Shistar stated she objected to the word 'civil suit' being added with the amendment that she preferred leaving as it had been originally with just the word 'injunction'.

The Chairman thanked Ms. Shistar and declared the hearing completed for SB 278; then he called on Dale Lambley to testify for SB 282.

Mr. Lambley gave copies of his testimony to the Committee (attachment 8) and then requested Committee support for SB 282. Mr. Lambley explained the increases in fees requested in SB 282 would allow the department to restore the funds they lost in the Governor's budget cuts. These funds are needed so that the department will be able to keep its present staff.

During Committee discussion Mr. Lambley stated that they are charging maximum fees now that regulations will allow them to charge. He stated that without added funds the department would have to reduce its staff by four, and that would mean the department would have to reduce by 50% the work that it does. Mr. Lambley stated this was just the departments plan for replacing funds they lost with budget cuts.

The Chairman thanked Mr. Lambley and called on Joe Lieber to testify.

Mr. Lieber handed copies of his testimony to the Committee (attachment 9) and stated opposition to SB 282. He expressed opposition to the suggested increase in fees.

During Committee discussion Mr. Lieber agreed that a decrease in staff in the Plant Health Division would hurt the industry but that the suggested fee increase was too great an increase.

The Chairman thanked Mr. Lieber and called on Terry Shistar to testify.

Ms. Shistar handed the Committee copies of her testimony (attachment 10) and then expressed support for SB 282 and encouraged the Committee to vote favorably for the bill. Ms. Shistar stated it appeared that the Plant Health Division had had too much of a budget cut.

The Chairman thanked Ms. Shistar and called on Chris Wilson to testify.

Ms. Wilson gave copies of her testimony to the Committee (attachment 11). Ms. Wilson stated that the industry feels they are paying their way and that the proposed increase of doubling the fees is just too much of an increase. She stated she felt the General Fund should partially fund the Plant Health Division.

The Chairman thanked Ms. Wilson and declared the hearing completed for SB 282.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:12 a.m./~~P.M.~~ on March 3, 19 87

The Chairman requested Mr. Lambley furnish copies of the budget of the Plant Health Division for the Committee. Mr. Lambley stated that he would furnish copies.

The Chairman requested the Committee request a resolution be written to honor Don Good.

Senator Montgomery made a motion the Committee request a resolution to honor Dr. Don Good at Kansas State. Senator Karr seconded the motion. Motion carried.

The Chairman called for action on Committee minutes.

An error was noted and a request was made that the secretary change the word 'of' in the last line of paragraph 4 of the minutes for March 2 to the word 'up'. Senator Montgomery made a motion the minutes of March 2 be approved as corrected. Senator Warren seconded the motion. Motion carried.

Senator Allen adjourned the Committee at 11:02 a.m.



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON AGRICULTURE

RE: S.B. 278 - Requiring reimbursement of costs when filing nuisance legal actions against proper use of registered agricultural chemicals

March 3, 1987
Topeka, Kansas

Presented by:
Bill R. Fuller, Assistant Director
Public Affairs Division
Kansas Farm Bureau

Mr. Chairman and Members of the Committee:

My name is Bill Fuller. I am the Assistant Director of the Public Affairs Division of Kansas Farm Bureau. We appreciate this opportunity to express our support of S.B. 278.

S.B. 278 amends K.S.A. 2-3201 et seq., commonly referred to as the "Agricultural Nuisance Lawsuit Act:"

2-3201. Protection of farmland and agricultural activities; purpose. It is the declared policy of this state to conserve and protect and encourage the development and improvement of farmland for the production of food and other agricultural products. The legislature finds that agricultural activities conducted on farmland in areas in which nonagricultural uses have moved into agricultural areas are often subjected to nuisance lawsuits, and that such suits encourage and even force the premature removal of the lands from agricultural uses. It is therefore the purpose of this act to provide agricultural activities conducted on farmland protection from nuisance lawsuits.

The intent of S.B. 278 is to discourage nuisance lawsuits and actions. We believe individuals or groups who file injunctions or

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bring civil suits against the proper use of registered agricultural chemicals ... fertilizers, pesticides, herbicides and fungicides ... should be required to reimburse farmers, ranchers, county, state and federal governments for all costs when these legal actions are eventually shown to be unfounded or are overturned in a court of law. Using the product according to the label instructions should be considered "proper use."

Reimbursement should include:

1. Court costs;
2. Legal fees; and
3. Crop losses

... resulting from this legal action.

We support complete and detailed labeling. We do not condone misuse of agricultural chemicals.

These types of legal actions are becoming more prevalent nationwide as states become more urbanized. We believe this amendment to the "Agricultural Nuisance Lawsuit Act" will prevent unjustified financial burdens on Kansas agriculture. We appreciate this opportunity to express our support of S.B. 278 and respectfully ask you to approve the bill! Thank you!

attachment 1
3-3-87

SENATE BILL No. 278

By Committee on Agriculture

2-18

and civil suits

0017 AN ACT relating to agriculture; concerning injunctions against
0018 misuse of ~~registered~~ agricultural chemicals; providing for the
0019 payment of costs and expenses; amending K.S.A. 2-3203 and
0020 repealing the existing section.

0021 *Be it enacted by the Legislature of the State of Kansas:* or civil suit

0022 New Section 1. Any person who files an injunction against a
0023 party for the misuse of ~~registered~~ agricultural chemicals, and the or defendant

0024 court finds that the enjoined party properly used the ~~registered~~
0025 agricultural chemicals according to the label instructions, the

0026 court shall assess against such person reasonable attorney fees or defendant
0027 and expenses incurred by the party enjoined as a result of such

0028 injunction. Additional losses and costs may be assessed against or civil suit
0029 such person upon proof by the party enjoined. This section shall or defendant

0030 be part of and supplemental to the provisions of K.S.A. 2-3201 *et*
0031 *seq.*, and amendments thereto.

0032 Sec. 2. K.S.A. 2-3203 is hereby amended to read as follows:
0033 2-3203. As used in this act:

0034 (a) "Agricultural activity" means the growing or raising of
0035 horticultural and agricultural crops, hay, poultry and livestock,
0036 and livestock, poultry and dairy products for commercial pur-
0037 poses.

0038 (b) "Farmland" means land devoted primarily to an agricul-
0039 tural activity.

0040 (c) "Person" means any individual, partnership, corpora- profit or nonprofit corporation, trust, organization
0041 ~~tion, trust or any other business entity.~~ or any other business entity, but does not include
0042 any governmental entity

0042 (d) "~~Registered~~ agricultural chemical" means those agricul- as defined in
0043 tural chemicals ~~registered under~~ the agricultural chemical act
0044 set forth in K.S.A. 2-2201 *et seq.*, and amendments thereto.

0045 Sec. 3. K.S.A. 2-3203 is hereby repealed.

from
Bill
Fuller
3-2

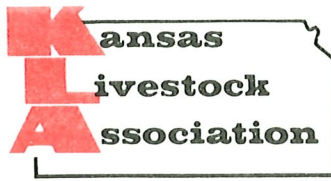
attachment 2
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0046 Sec. 4. This act shall take effect and be in force from and
0047 after its publication in the statute book.

attachment 2

3-3-87



2044 Fillmore • Topeka, Kansas 66604 • Telephone: 913/232-9358

Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

Statement of the
KANSAS LIVESTOCK ASSOCIATION

in regard to

SENATE BILL 278

to the

SENATE AGRICULTURE COMMITTEE

Senator Jim Allen, Chairman

presented by

MIKE BEAM

Executive Secretary

Cow-Calf/Stocker Division

March 2, 1987

Mr. Chairman and Committee members, I'm Mike Beam with the Kansas Livestock Association. KLA's membership consists of approximately 9,000 members who are involved in livestock production and other farming activities which often involve the use of agriculture chemicals. We support SB 278 which reimburses farmers/defendants if they are falsely charged with the misuse of registered agricultural chemicals.

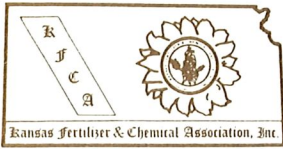
Businesses (including agriculture) and consumers are often paying the price of excessive lawsuits. This bill should inhibit unfounded charges against farmers and ranchers who abide by product label instructions. A harassing lawsuit or injunction can cause serious problems for producers.

Let's look at an example of how costly an injunction can be against a farmer. The application of pesticides and herbicides must be done in a timely matter. Conceivably, a neighbor could file an injunction against a farmer to prevent him from applying the chemical at the time which is necessary for effectiveness. It costs dearly to not apply the fertilizer in time or spraying for insects after much of the crop damage has taken place.

If a person is not using chemicals according to label, this bill should not keep an interested party from filing a lawsuit. The bill will help compensate farmers who must defend themselves when innocent. We urge the committee to support SB278. Thank you.

*attachment 3
Senate agriculture*

3-3-87



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 S.B. 278

MARCH 3, 1987

Mr. Chairman and members of the committee, I am Chris Wilson, Director of Governmental Relations of the Kansas Fertilizer and Chemical Association (KFCA). Our Association consists of the state's agricultural chemical and fertilizer retail dealers, manufacturers and distributors.

We support S.B. 278, which would amend Article 32 of the statutes, regarding the Protection of Farmland and Agricultural Activities. It is our assumption that the bill would apply to application of chemicals by commercial applicators, as well as to application of chemicals by producers.

S.B. 278 is consistent with the existing statute, which says that if "agricultural activity is undertaken in conformity with federal, state, and local laws and regulations, it is presumed to be good agricultural practice and not adversely affecting the public health and safety." S.B. 278 would further reinforce state policy by stating that those who have used agricultural chemicals according to label instructions have not misused the chemicals.

Our industry has no greater concern than the attitude of some government agencies that our potential liability for chemical damage,

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particularly groundwater contamination, is limitless. At present, no distinction is made as to whether the chemicals were properly used, with every governmental rule, instruction and best management practice applied. We firmly believe that since the government approves chemicals for use and prescribes the conditions under which they will be used, the government must bear some responsibility when those conditions are carefully met and contamination results.

Also, agricultural chemicals are of benefit to every citizen in innumerable ways every day. Because of these chemicals, we have a much more plentiful and wholesome food supply, at a more reasonable cost, than would otherwise be possible. They prevent additional disease which would be carried by insects and pests. They are present in our homes in many household items from toilet bowl cleaner to pet flea collars; they protect our lawns, flowers and gardens. Therefore, we believe there must also be some societal responsibility for these chemicals. We believe the benefits far outweigh the risks.

As an Association, we will continue to do all we can to promote safety and best management practices. We will make every effort to see that chemicals are applied in the best manner possible, according to the best government information, with no resulting damage. When that is done, we believe the applicator's liability should be limited.

We hope that you will favorably recommend S.B. 278 for passage and thank you for this opportunity to comment on the bill.

Testimony on SB 278
Senate Agriculture Committee
March 3, 1987
Prepared by Joe Lieber
Kansas Cooperative Council

Mr. Chairman and members of the Committee, for the record I'm Joe Lieber,
Executive Vice President of the Kansas Cooperative Council.

We support SB 278. It is our understanding that the term "party" as used
in line 0024, 0027 and 0029 does include professional applicators.

The Committee may want to define the term "party" in the bill so it does
include professional applicators

Thank you.

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Committee of . . .

Kansas Farm Organizations

Wilbur G. Leonard
Legislative Agent
109 West 9th Street
Suite 304
Topeka, Kansas 66612
(913) 234-9016

TESTIMONY IN SUPPORT OF SB 278

Before the Senate Committee on Agriculture

March 3, 1987

Mr. Chairman and Members of the Committee:

I am Wilbur Leonard, legislative agent for the Committee of Kansas Farm Organizations. I appreciate the opportunity to appear before this committee to present the views of our 23 member organizations in support of Senate Bill No. 278.

The person who makes use of agricultural chemicals has a legal responsibility to use them in such manner as to not cause injury to others. The registration under the agricultural chemical act is one of the steps designed to offer protection to the general public. Likewise, manufacturers have developed procedures for the application of those chemicals.

A person who is using agricultural chemicals in a prescribed manner should not be prevented from applying them to his crops and property. To interrupt that process, even for a short time, could lead to substantial crop losses. Whole fields could be destroyed while legal maneuverings drag on. It's little consolation for a farmer to be vindicated in an injunctive action if his crops have been lost in the process.

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This bill is designed to slow down those fast-draw litigation minded individuals and organizations which otherwise have no responsibility for their hasty actions. Why shouldn't they be made to pay for their erratic behavior?

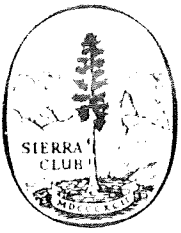
For those who would say that this might discourage otherwise meritorious cases, let's look at the whole picture. If there is misuse of the agricultural chemicals, the injunctive procedure could be a reasonable course to pursue, but the plaintiff and his or its lawyers must act on facts, not mere conjecture. If they are persuaded more by prejudice than common sense and damage results through improper legal action, this bill provides an avenue for compensation for the innocent litigant.

Further, if the chemicals are used improperly and damages are sustained, the aggrieved party has the right to bring an action to recover his loss and his costs.

We believe Senate Bill No. 278 will induce some reasonable restraints where they are needed and we urge the Committee to recommend it favorably for passage.

attachment 6

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SIERRA CLUB

Kansas Chapter

5 March 1987

To: Senate Committee on Agriculture
From: Terry Shistar

SIERRA CLUB TESTIMONY ON SB 278

The Kansas Sierra Club is non-profit organization of about 1600 members concerned with protection of the environment for people and wildlife. For many years, pesticide misuse has been a concern of the Sierra Club in Kansas and elsewhere. I am the volunteer Pesticide Coordinator for the Sierra Club nationally and a member of the Executive Committee of the Kansas Sierra Club.

We are concerned about SB 278 because it appears that a criminal standard is being extended to civil cases. Since I was not aware of anyone ever requesting an injunction to prevent pesticide misuse under the Kansas Pesticide Law, and since the language suggests a civil action for damages rather than an injunction, I concluded that it was meant to address civil actions for damages. The comments I have are based on the assumption that this guess is correct.

Certainly frivolous suits should be discouraged. However, in previous years when pesticide damages have been discussed in this committee, it was pointed out that Kansas law on civil procedure does address frivolous suits. I enclose with my testimony a copy of the appropriate section of the law, which states in part:

"...if the court finds that a party ... has asserted a claim or defense ... without a reasonable basis in fact and not in good faith, the court shall assess against the party as additional costs of the action, and allow to the other parties, reasonable attorney fees and expenses incurred by the other parties as a result of such claim, defense or denial."

If this bill applies to civil actions, it would go beyond the current law in a way never intended by Congress in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). FIFRA did not intend the following the label to produce immunity to civil actions. Indeed, FIFRA provides that:

"If the Administrator determines that the pesticide, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator, he shall classify the pesticide, or the particular use or uses to which the determination applies, for restricted use:" (Section 3(d)(1)(C))

In other words, there is a whole class of pesticides,

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restricted use pesticides, for which the label is generally not sufficient. Thus, labels are not written in such a way that compliance with the label alone, without additional good judgment and training of the applicator, can assure application that will not result in damages, so farmers and others who receive personal and property damage from drift, runoff, or careless application should not be limited to collecting damages only when the law has been violated.

CHAPTER 241

House Bill No. 2615

AN ACT concerning court costs of civil actions; providing for the assessment of additional costs; imposing liability on certain parties and attorneys for payment thereof; conditions; amending K.S.A. 60-211 and repealing the existing section.

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

New Section 1. (a) Except as otherwise provided in this subsection, the provisions of this section shall apply to any civil action brought in a court of this state, including any action pending on the effective date of this act. This section shall not be applied retroactively to specific conduct occurring prior to the effective date of this act. The provisions of this section shall not apply to proceedings brought under K.S.A. 60-1507.

(b) At the time of assessment of the costs of any action to which this section applies, if the court finds that a party, in a pleading, motion or response thereto, has asserted a claim or defense, including setoffs and counterclaims, or has denied the truth of a factual statement in a pleading or during discovery, without a reasonable basis in fact and not in good faith, the court shall assess against the party as additional costs of the action, and allow to the other parties, reasonable attorney fees and expenses incurred by the other parties as a result of such claim, defense or denial. An attorney may be held individually or jointly and severally liable with a party for such additional costs where the court finds that the attorney knowingly and not in good faith asserted such a claim, defense or denial or, having gained knowledge of its falsity, failed to inform the court promptly that

such claim, defense or denial was without reasonable basis in fact.

(c) The additional costs provided for in this section may be assessed only upon motion filed by the aggrieved party prior to taxation of costs by the clerk of the court under subsection (c) of K.S.A. 60-2002. The party against whom the additional costs are to be assessed shall be given notice of the motion and afforded an opportunity to be heard. If the additional costs are assessed, the court shall make findings with respect thereto, including the specific facts and reasons on which the findings are based.

(d) The purpose of this section is not to prevent a party from litigating bona fide claims or defenses, but to protect litigants from harassment and expense in clear cases of abuse.

(e) The state of Kansas, or any agency thereof, and all political subdivisions of the state shall be subject to the provisions of this section in the same manner as any other party.

Sec. 2. K.S.A. 60-211 is hereby amended to read as follows: 60-211. Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his the attorney's individual name, whose and the attorney's address and telephone number shall be stated. A pleading of a party who is not represented by an attorney shall sign his pleading be signed by the party and shall state his the party's address. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by an affidavit. The signature of an attorney constitutes a certificate by him the attorney that he the attorney has read the pleading; that to the best of his the attorney's knowledge, information; and belief there is are good ground grounds to support it; and that it is not interposed for delay. If a pleading is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false, and the action may proceed as though the pleading has had not been served. For a willful violation of this section, an attorney may be subjected to appropriate disciplinary action and may be held liable, pursuant to section 1, for the payment of attorney fees and expenses of adverse parties incurred as a result of such violation. Similar action may be taken if scandalous or indecent matter is inserted.

Sec. 3. K.S.A. 60-211 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 22, 1982.

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2615
copy
1/2

T E S T I M O N Y

Senate Bill 282

PRESENTED TO

SENATE COMMITTEE ON AGRICULTURE

by

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

March 3, 1987

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3-3-87

Senate Bill 282

PROPOSED INCREASE OF PESTICIDE AND AGRICULTURAL FEES

March 3, 1987

The pesticide programs of the Plant Health Division of the Kansas State Board of Agriculture are funded through three sources: fees, EPA grant monies and general revenue. After we received our Level A and B general revenue allotments this year, and after we subtracted from the total the current salaries, rent and other fixed costs, the agency had left only \$8,000 to fund travel and other program expenses for the remainder of the fiscal year. Consequently, this recommendation for an increase of fees is necessary in order to maintain the current level of productivity within the pesticide enforcement program. This recommendation has been incorporated into the Governor's budget.

Failure to enact this fee increase would result in the deletion of four of the pesticide program's 10½ ecological specialists. Ecological specialists currently conduct the pesticide misuse investigations, marketplace and pesticide product inspections, and other pesticide enforcement work. This would be a substantial reduction in personnel, which not only affects the productivity or the outputs of the program at the state level but also impacts our cooperative work with U.S. Environmental Protection Agency.

We are annually allocated a certain number of work outputs by the U.S. Environmental Protection Agency for which we are paid through our pesticide enforcement and certification grants. Should the amount of work output that we are able to perform be reduced, we should expect a comparable reduction in the amount of federal money granted to us.

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You should also be aware that the amount of workload required of our pesticide sections is increasing dramatically, more so than with any other section of the Division. For example, the current concern regarding the contamination of homes and other structures has resulted in a ten-fold increase in complaints in this area during the last three years. Furthermore, after many years of procrastination, EPA has suddenly sped up actions to cause relabeling, if not cancellation or other restrictions, on a wide variety of pesticide products present in the marketplace.

As a final note, these fee increases are requested to allow a continuation of our program and a continuation of personnel as are currently employed. It does not anticipate program enhancements. We would request your very favorable consideration of this bill.

ab

attachment 8

3-3-87

SELECTED AGRICULTURAL CHEMICAL REGISTRATION FEES

IN OTHER STATES

Arkansas	\$25 per product
California	\$200 per product
Colorado	\$10 per product for first ten \$2.50 per product - each additional product after 10
Iowa	\$20 per product
Missouri	\$15 per product
Oklahoma	\$20 per product

BUSINESS LICENSE COSTS

IN SELECTED OTHER STATES

Colorado	\$250 per year
Illinois	\$100 per year for each location
Missouri	\$25 per year for each individual employed
Nebraska	None
Oklahoma	\$50 per category per year for each company up to a maximum of \$250

attachment 8

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Testimony on SB 282
Senate Agriculture Committee
March 3, 1987
Prepared by Joe Lieber
Kansas Cooperative Council

Mr. Chairman and members of the Committee: for the record, I'm
Joe Lieber, Executive Vice President of the Kansas Cooperative Council.

The Kansas Cooperative Council is opposed to the fee increase proposed
by SB 282.

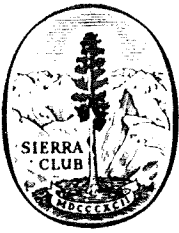
These proposals more than double the fees that local cooperatives would
have to pay.

The additional cost will be passed on to the producers at a time when
they need to be cutting expenses, not adding to them.

Even though \$25, \$150 and \$25 will not break the industry; if you add
this to all their other fees you can see why some people in the industry
say they are "Fee Poor."

Thank you.

*attachment 9
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3-3-87*



SIERRA CLUB

Kansas Chapter

3 March 1987

To: Senate Committee on Agriculture
From: Terry Shistar

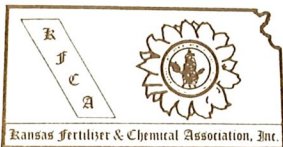
SIERRA CLUB TESTIMONY ON SB 282

The Kansas Sierra Club is non-profit organization of about 1600 members concerned with protection of the environment for people and wildlife. For many years, pesticide misuse has been a concern of the Sierra Club in Kansas and elsewhere. I am the volunteer Pesticide Coordinator for the Sierra Club nationally and a member of the Executive Committee of the Kansas Sierra Club.

The Sierra Club supports SB 282 because it is necessary to prevent further deterioration in pesticide regulatory programs. Without this bill, the Board of Agriculture will lose 50% of the field staff in pesticide and dealer registration, 25% of the field staff in pesticide use programs, and the only field staff person assigned to implementing the new chemigation program.

An enforcement agency cannot produce compliance with state laws by merely sitting in an office in Topeka. If products are to be checked to see that they meet specifications, applicators monitored to prevent misuse, or groundwater contamination from chemigation avoided, the Board of Agriculture must have the staff to do field work. These fees are not out of line with those charged in other states. We urge you to support this bill.

attachment 10
Senate agriculture
3-3-87



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 282

MARCH 3, 1987

Mr. Chairman and members of the committee, I am Chris Wilson, Director of Governmental Relations of the Kansas Fertilizer and Chemical Association (KFCA). Our over 450 members represent the state's agricultural chemical and fertilizer industry. We appreciate the opportunity to comment on S.B. 282, which would double the pesticide fees to our industry.

These fees help to support the pesticide use, pesticide registration and chemigation law enforcement programs. We understand that the State Board of Agriculture needs additional funds in order to carry out those programs, and we understand that other sources of additional revenue--from the state general fund and the federal government (EPA)--are unavailable. However, we think that doubling the fees overnight is exorbitant and unwarranted. The chemical industry has had to tighten its belts, just as farmers have had to, and we can no better afford this increased cost of government than can the state or the EPA.

KFCA members would be more enthusiastic about paying increased fees if they didn't feel that they are already bearing more than their share of the burden of the Board of Agriculture budget. For

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instance, the fertilizer tonnage tax paid by the industry supports not only the fertilizer inspection program, but other areas of the Board's activities, such as the seed inspection program, as well. We are told that 15% of all the fees paid by the industry go to cover the costs of staff and overhead outside of the realm of our regulatory area. So, we feel we are paying our way.

Our members would also be more ready to accept an increase in fees if the pesticide training programs could be improved. These are conducted by the Board and the university every three years, and frankly, members have not found them to be beneficial. They feel they are not receiving good training from these sessions. As an association, we have annual crop production schools which the university also helps with, which have proven to be more beneficial.

We hesitate to make these criticisms, because we are very supportive of both the Board and the university, and we have had an excellent working relationship over the years. In fact, Board and university personnel have always been, as they still are, part of our Board of Directors.

Therefore, we do not oppose an increase in pesticide fees as proposed in S.B. 282, but we feel it should not be a doubling of the present fees. We would ask that the Board consider possibilities of streamlining and reducing costs as the rest of agriculture has, and work to improve the training program which these fees support.

I would be happy to respond to questions.