

Approved February 16
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Representative Clifford Campbell at
Chairperson

9:07 a.m./~~p.m.~~ on February 11, 1988 in room 423-S of the Capitol.

All members were present except: Representatives Crumbaker and Dean who were excused.

Committee staff present:
Raney Gilliland, Legislative Research Department
Norman Furse, Revisor of Statutes Office
Marjorie Brownlee, Committee Secretary

Conferees appearing before the committee: Chris Wilson, Director of Governmental Relations of the Kansas Fertilizer and Chemical Assoc.
Joe Lieber, Kansas Cooperative Council
Bill Fuller, representing the farmers and ranchers of the Kansas Farm Bureau
Beverly Bradley, Legislative Coordinator, Kansas Association of Counties
Dale Lambley, Director of the Plant Health Division, Kansas State Board of Agriculture
Riley Walters, Director, County Weed Association
Evan Swartz, Shawnee County Weed Control

Chairman Campbell called upon Raney Gilliland, Legislative Research Department, to give a brief summary of the changes in present law brought about by HB 2623.

The Chair declared the meeting to be open for hearings on HB 2623.

Chris Wilson, Director of Governmental Relations of the Kansas Fertilizer and Chemical Association, was the first conferee to appear. Their association is prepared to support the bill with reservation. She further expanded on their interest and concerns in the bill. (Attachment I) She also said they would like to have HB 2593 eliminated.

The second conferee was Joe Lieber of the Kansas Cooperative Council. He, too, said they are prepared to support this bill with qualifications. They are interested in the cost-share proposal. (Attachment II)

Bill Fuller, representing the farmers and ranchers of the Kansas Farm Bureau, reiterated his organization's support of this bill. He quoted from the Farm Bureau policy book, page 9, under noxious weeds resolutions: "The cost-share incentives should be continued. Herbicide should continue to be available from county weed departments.....We will support amendments to limit chemical sales by county weed departments for noxious weed control."

Beverly Bradley, Legislative Coordinator for the Kansas Association of Counties, testified next. She stated that they felt that this sort of decision is best made at the local level but that they would not oppose the bill. (Attachment III)

Dale Lambley, Director of the Plant Health Division of the Kansas State Board of Agriculture, spoke briefly in support of HB 2623 stating that they had no further amendments to recommend. (Attachment IV)

The Chairman acknowledged Riley Walters, Director of the County Weed Association, who commented briefly on the bill in support thereof.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS,

room 423-S, Statehouse, at 9:07 a.m./~~p.m.~~ on February 11, 1988

Evan Swartz, Shawnee County Weed Control, who has been working this field some 30 years, commented briefly on the non-noxious weed control aspect of this bill.

Hearings on the bill were closed by the Chairman.

Chairman Campbell stated to the Committee that he had been contacted by Senator Arasmith regarding information which he had received from a county commissioner in one of his counties. According to this county commissioner, a producer could go in to get \$1,000---or whatever is needed---in chemicals in March or April and choose not to pay for these chemicals until the first of the following year and the county cannot collect interest. The producer can, therefore, use the taxpayer's money with no penalty for this period of time.

Senator Arasmith has asked that we try to get an amendment in this bill to the effect that the county would give the producer 45 days after he has picked up the chemicals in which to pay for them. If he has not paid for same within this period of time, the county would have the right to charge interest---which privilege they do not have under the present law.

The committee meeting was adjourned by the Chairman at 9:47 a.m.

The next meeting of the House Agriculture and Small Business Committee is February 17, 1988.



KANSAS FERTILIZER AND CHEMICAL ASSOCIATION, INC.

816 S.W. Tyler St. P.O. Box 1517 A/C 913-234-0463 Topeka, Kansas 66601-1517

STATEMENT OF THE
KANSAS FERTILIZER AND CHEMICAL ASSOCIATION
TO THE
HOUSE AGRICULTURE AND SMALL BUSINESS COMMITTEE
REPRESENTATIVE CLIFFORD CAMPBELL, CHAIRMAN

REGARDING H.B. 2623

FEBRUARY 11, 1988

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM CHRIS WILSON, DIRECTOR OF GOVERNMENTAL RELATIONS OF THE KANSAS FERTILIZER AND CHEMICAL ASSOCIATION (KFCA). KFCA'S 450 MEMBERS ARE RETAIL FIRMS, DISTRIBUTORS AND MANUFACTURER REPRESENTATIVES IN THE FERTILIZER AND AGRICULTURAL CHEMICAL INDUSTRY.

OUR ASSOCIATION SUPPORTS WITH RESERVATION H.B. 2623, AS RECOMMENDED BY THE INTERIM COMMITTEE. THIS BILL WOULD SIMPLY REMOVE THE AUTHORITY OF THE COUNTIES TO SELL CHEMICALS FOR TREATMENT OF NONNOXIOUS WEEDS UNDER THE STATE NOXIOUS WEED LAW. WE DO NOT BELIEVE THAT SELLING CHEMICALS FOR NONNOXIOUS USE IS CONSISTENT WITH THE INTENT OF THE NOXIOUS WEED LAW. CERTAINLY SUCH ACTIVITY TAKES AWAY FROM THE AMOUNT OF EFFORT THE COUNTY PERSONNEL CAN DEVOTE TO THE PURPOSE OF THE LAW--THE CONTROL OR ERADICATION OF NOXIOUS WEEDS.

WHILE WE BELIEVE THAT H.B. 2623 TAKES AN APPROPRIATE STEP TO HELP IMPROVE OUR NOXIOUS WEED PROGRAM IN KANSAS, IT DOES NOT DEAL WITH THE BROADER QUESTION OF THE COUNTY WEED DEPARTMENTS' DIRECT COMPETITION WITH THE PRIVATE SECTOR. THE INTERIM COMMITTEE ALSO EXPRESSED ITS SUPPORT FOR SOME KIND OF A SYSTEM WHICH WOULD ALLOW THE DEALERS TO COMPETE WITH THE COUNTIES FOR NOXIOUS WEED BUSINESS, AND ENCOURAGED THE TWO GROUPS INVOLVED TO WORK TOGETHER IN DEVELOPING THE BEST MECHANISM TO ACCOMPLISH THAT. OUR ASSOCIATION IS SEEKING, NOT TO ELIMINATE THE COUNTY'S COMPETITION, BUT TO BE ENABLED TO COMPETE ON A FAIRER BASIS. OUR MEMBERS HAVE BEEN CONCERNED ABOUT THE NOXIOUS WEED LAW FOR SEVERAL YEARS. WHEN THE LEGISLATIVE POST AUDIT REPORT CAME OUT IN 1985, CONFIRMING OUR BELIEFS THAT THE LAW WAS NOT BEING ENFORCED AND THAT NOXIOUS WEEDS WERE NOT BEING EFFECTIVELY TREATED, WE WERE HOPEFUL THAT THERE WOULD BE SOME LEGISLATIVE PROPOSALS TO CORRECT SOME OF THE PROBLEMS. WHEN THAT DID NOT HAPPEN, OUR MEMBERS REQUESTED THAT THE ASSOCIATION DEVELOP SOME PROPOSALS. A NOXIOUS WEED TASK FORCE WAS ESTABLISHED A YEAR AND A HALF AGO TO STUDY THE LAW AND MAKE RECOMMENDATIONS FOR CHANGE. SINCE THAT TIME, WE HAVE DONE A GREAT DEAL OF RESEARCH ON OUR

LAW.

THE KANSAS LAW IS THE ONLY ONE IN THE NATION WHICH PITS THE COUNTY WEED DEPARTMENTS AGAINST THE PRIVATE SECTOR. WE SURVEYED AND STUDIED EVERY OTHER STATE'S LAWS, AND AN ATTACHED SHEET LISTS THOSE OTHER STATES WHICH HAVE NOXIOUS WEED LAWS AND HOW THEY ARE STRUCTURED TO AVOID COMPETITION WITH THE PRIVATE SECTOR. UNDER OUR STATE'S LAW, AN INCENTIVE IS PROVIDED TO THE PRODUCER/LANDOWNER TO CONTROL NOXIOUS WEEDS, BUT ONLY IF HE PURCHASES THE CHEMICALS THROUGH THE COUNTY. BECAUSE THE COUNTY OFFERS THE TAXDOLLAR COST-SHARE, THE LOCAL DEALER CAN'T BEGIN TO COMPETE. SO PRESENTLY, MOST DEALERS JUST SEND THEIR CUSTOMERS TO THE COUNTY TO GET CHEMICALS FOR NOXIOUS WEED CONTROL AND DON'T EVEN STOCK SOME OF THE CHEMICALS. IF THE PRODUCER/LANDOWNER COULD RECEIVE THE COST-SHARE REGARDLESS OF WHERE HE PURCHASED HIS CHEMICALS, THEN THE DEALERS COULD BE COMPETITIVE WITH THE COUNTIES.

WE HAVE BEEN TALKING FOR SEVERAL MONTHS ABOUT SUCH A SYSTEM, AND WE'VE ATTACHED FURTHER INFORMATION ON HOW IT COULD WORK FOR YOU TO EXAMINE. WE'VE FOUND IN OUR DISCUSSIONS WITH PRODUCERS, COUNTY WEED DIRECTORS, AND COUNTY COMMISSIONERS THAT THERE IS A LOT OF MISUNDERSTANDING ABOUT HOW THE COUNTY PROGRAMS PRESENTLY WORK AND HOW A CHANGE COULD BE ACCOMPLISHED WHICH WOULD BENEFIT ALL INVOLVED. WE DO NOT MEAN TO BE CRITICAL OF THE WEED DIRECTORS AND COMMISSIONERS. THE FACT IS THAT KANSAS IS SPENDING MUCH MORE THAN ANY OTHER STATE ON NOXIOUS WEED CONTROL AND YET OUR INFESTATIONS KEEP INCREASING DRAMATICALLY AND ONLY ABOUT 58% OF THE WEEDS ARE TREATED. WE BELIEVE THAT THIS IS IN LARGE PART THE RESULT OF THE WAY THE LAW IS STRUCTURED.

AS WITH ANY PROPOSED CHANGE, THERE HAVE BEEN A NUMBER OF FEARS EXPRESSED ABOUT MAKING THE CHANGE. SOME OF THOSE FEARS ABOUT CHANGING THE NOXIOUS WEED LAW INCLUDE A FEAR THAT IT WILL ELIMINATE THE COUNTY WEED DEPARTMENTS OR JOBS WITHIN THEM; THAT IT WILL COST THE FARMER MORE; THAT IT WILL INCREASE PAPERWORK; THAT THE COUNTY WILL LOSE CONTROL OF WHERE THE CHEMICAL GOES. AS WE HAVE TALKED WITH THOSE WHO HAD THESE FEARS AND THEY WERE WILLING TO LISTEN, THEY HAVE UNDERSTOOD THAT THOSE FEARS ARE UNFOUNDED.

OUR MEMBERS HAVE UNDERTAKEN A MASSIVE EDUCATION PROGRAM, WHICH IS CONTINUING AT THIS TIME. SINCE WE ARE INVOLVED IN THAT PROCESS, WE ARE NOT REQUESTING THAT THIS COMMITTEE MAKE ANY ADDITIONAL CHANGES TO THE NOXIOUS WEED LAW, OTHER THAN WHAT IS CONTAINED IN H.B. 2623, AT THIS TIME. HOWEVER, WE THOUGHT IT IS IMPORTANT TO INFORM YOU ABOUT OUR CONCERNS AND INTEREST IN FURTHER CHANGES IN THE LAW.

THANK YOU FOR THE OPPORTUNITY TO SHARE OUR VIEWS. I WILL ATTEMPT TO RESPOND TO ANY QUESTIONS YOU MAY HAVE.

OTHER STATES WITH COST-SHAR. 3
ON NOXIOUS WEED CONTROL -
APPROACH TO COST-SHARING

MONTANA Farmers purchase chemicals from dealers and are reimbursed --
State funding is \$500,000 per year.

HAWAII Farmers purchase chemicals from dealers -- State cost-share (\$40,000)
is targeted to most serious problems.

VIRGINIA Farmers purchase chemicals from dealers and are reimbursed --
State cost-share is \$90,000 annually.

MINNESOTA Cost-share is provided only to those landowners who cannot afford
to treat the weeds.

UTAH Counties purchase chemicals from dealers only.

WYOMING Counties purchase chemicals from dealers only.

NORTH
CAROLINA Farmers purchase chemicals from dealers and are reimbursed up to
a specified amount.

OREGON Farmers purchase chemicals from dealers and are reimbursed up to
a specified amount.

SOUTH
DAKOTA County can sell chemicals only if they are not available through local
dealers.

MARYLAND Cost-sharing is only for providing technical assistance and spot spraying.

NORTH
DAKOTA County cost-share is maintained at a level (\$300,000) so as to not
provide direct competition with the private sector.

IDAHO Cost-share is maintained at a level (\$90,000) so as not to provide
direct competition with the private sector.

ALL OTHER
STATES No cost-share provided.

INFORMATION FOR COUNTY COMMISSIONERS
CONCERNING THE KANSAS NOXIOUS WEED LAW

WHY KANSAS AG CHEMICAL RETAILERS WANT A CHANGE:

Under the present law, the private industry pays taxes to help support a county program which is in direct competition with them. According to KFCA's survey, the county weed department is in direct competition with the private sector in at least 75% of the counties.

Kansas is the only state in the country where this is the case. Reports from other states show that in states which provide cost-sharing, some precaution is taken to insure that there is not direct competition with private chemical dealers. Most provide the cost-share funds directly to the farmer and he purchases the chemical.

Kansas' chemical dealers also represent a great deal of expertise which can and should be utilized to help get the job of controlling and eradicating noxious weeds done. They can not now, because the county exclusivity prevents them from participating in the noxious weed market. Their expertise could be utilized to expand the force of the county weed department, to have more people involved in working on the problem. More workers will allow more to be accomplished, resulting in taxpayers receiving greater benefit for all the taxes which go into the noxious weed program.

Under the present system, Kansas counties spent \$8.4 million last year, and this amount increases every year. At the same time, infestations of major noxious weeds, as reported by the county weed directors, have increased 20% in the last 5 years. The county weed staff cannot handle this kind of a workload alone. If some change isn't made, counties will continue to expend large amounts of money on a continually growing problem. This has not been the experience of other state where the private sector is involved.

WHAT AG CHEMICAL DEALERS
DO NOT WANT

WE ARE INTERESTED ONLY IN A CHANGE WHICH WILL NOT:

- Reduce the authority of the county commissioners
- Eliminate the county weed directors, or reduce their responsibility
- Cost the farmers any more for noxious weed chemicals

Unfortunately, many county weed directors have been afraid that we were out to eliminate their jobs--and they have openly admitted this to us. This is simply not the case. We support the county weed departments and the vital role which they have in weed control in our state. We would hope to play a supporting role to them, allowing them to do more than they can alone..

By giving the farmer options, it will be assured that his cost will not be greater, unless he so chooses.

There can also be great benefits to the county government which you supervise.

BENEFITS TO COUNTIES TO PRIVATE SECTOR INVOLVEMENT
IN NOXIOUS WEED PROGRAMS

- If county weed directors can spend less time purchasing and handling chemicals, they will be able to spend more time working with landowners; identifying acres infested; seeing that noxious weeds not now being treated are dealt with; and treating public lands infested with noxious weeds. This will result in increased weed control and increased yield production for farmers. Presently, many of the same people treat their noxious weeds year after year, spending a great deal of their own money in addition to county tax dollars, only to be reinfested again from neighboring private or public lands (i.e. roadsides and ditches) which have gone untreated.
- The county will be able to increase tax revenues, which will be received from dealers on their sales and from producers on increased production income.
- Potential liability increases every year for anyone storing and handling chemicals. The county liability in this area can only increase. This was affirmed by an Attorney General's opinion, No. 86-173, requested by the Saline County Attorney, which states that counties are liable for claims arising from their sale of chemicals. This includes liability for damages of any type, including environmental contamination. This is part of doing business for the private firm, which is solely involved in the agricultural chemical business day in and day out. But for the county, with a myriad of divergent responsibilities, this can be just another headache and cost.
- Likewise, regulations affecting the chemical business are continually increasing, County governments must comply with those just as the private sector must. The recently enacted Emergency Planning and Community Right-To-Know program is just one example. Not only must the county enforce the Law, through the Local Emergency Planning Committee, it must also comply with the Law because it stores and handles large volumes of chemicals. By the end of 1988, it is unlikely that Congress will have passed further controls on pesticides through reauthorization of FIFRA (the Federal Insecticide, Fungicide and Rodenticide Act) and possible major groundwater legislation. Those in the chemical business must become trained and knowledgeable about all the regulations affecting pesticides and must devote the time and money necessary to bring facilities in compliance with those regulations and to do the required paperwork.
- Counties can also expect to pay substantial sums in the future for building and facility changes and equipment. Even those with newer structures should expect that state-of-the-art technology is rapidly changing for fertilizer and chemical storage facilities. Standards are being considered at both the federal and the state levels and must be implemented in the future if groundwater is to be adequately protected. This, too, is part of doing business and accepted by the private sector.

WHAT CHEMICAL RETAILERS ARE PROPOSING

A COST-SHARING OPTION FOR THE FARMER, CONTROLLED BY THE COUNTY COMMISSIONERS AND WEED DIRECTOR

The farmer would have the option of either:

1. Purchasing chemicals for noxious weed control from the county just as he does now

OR

2. Obtaining a certificate from the county in the amount of cost-share that would be available to him from the county, and using it to purchase chemicals from the dealer of his choice

In those counties where there is no problem, this would mean no change. The program would continue as is.

HERE'S HOW COST-SHARE CERTIFICATES COULD WORK:

1. The farmer identifies his acres infested with noxious weeds.
2. The farmer either goes to the county weed department office or asks the weed director to visit his farm when he's in the area. They discuss the problem, what chemical should be used, when and at what rate. The farmer either then purchases his chemicals from the weed department or asks for a cost-share certificate.
3. If he requests a cost-share certificate, the weed director fills out a certificate form, almost identical to the state Form 29, which weed directors are required to fill out on each customer they work with. So, the certificate would mean no more paperwork for the weed director. He keeps a copy of the form and gives one to the farmer. (Or it could be a simple triplicate form, where he keeps the original and gives the bottom two copies to the farmer.)
4. The farmer goes to the dealer of his choice, perhaps to work a total weed control package for his farm. The dealer shows the amount which the county will cost-share for noxious weed control as a credit on the farmer's invoice and keeps a copy of the certificate.

5. The dealer collects all of the cost-share certificates brought to him by customers, and monthly submits them to the appropriate person, i.e. the county clerk, for reimbursement. The county would have checks to write only during months when noxious weeds are being treated and the number of checks would be no more than the number of dealers in the county. This extra work would be more than offset by work saved in the weed department, allowing those employees to concentrate on more important matters. Also, fewer checks should have to be written for the purchase of chemicals, as many counties buy several times throughout the year.

AG CHEMICAL FIRMS MAKE AN IMPORTANT CONTRIBUTION TO YOUR COUNTY. WE PROVIDE JOBS, TAX REVENUES AND SERVICES. THE PRESENT NOXIOUS WEED SITUATION IS PREVENTING US FROM COMPETING IN THE FREE ENTERPRISE SYSTEM, OUR RIGHT AS CITIZENS OF THIS COUNTY, STATE AND NATION.

WE ARE COMMITTED TO MAKING A COST-SHARE CERTIFICATE SYSTEM WORK IN SUCH A WAY THAT IT WOULD BENEFIT THE COUNTY AND PRODUCERS, AS WELL AS GIVE US THE OPPORTUNITY TO COMPETE. WE ARE OPEN TO ANY SUGGESTIONS YOU HAVE AS TO HOW IT COULD WORK MOST EASILY AND EFFECTIVELY FOR YOU.

CHANGE IS NEVER EASY, BUT IT IS OFTEN FOR THE BETTER. THIS IS WHERE KANSAS IS WITH ITS NOXIOUS WEED LAW. LIKE IT OR NOT, CHANGE IS NEEDED. IF WE WILL BE OPEN TO CHANGE, WE BELIEVE WE WILL FIND THAT ALL INVOLVED WILL BE HAPPIER ONCE THE CHANGE IS MADE.

AS OUR COUNTY COMMISSIONERS, WE ASK AND NEED YOUR SUPPORT..

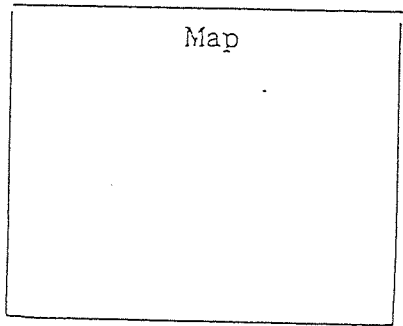
KANSAS NOXIOUS WEED LAW
CERTIFICATE OF COST-SHARE

Date _____ 19____ County _____ Township _____ No. _____

Owner _____
Address _____
Telephone _____

Operator _____
Address _____
Telephone _____

Land to be treated: Sec _____ Twp. _____ Range _____ Area _____
Legal description _____ Nearest 1/10 A or sq. rods



Weed(s) to be treated: _____ Amount of cost-share per unit: _____
Chemical to be applied: _____ Total amount of cost-share: _____
Units Needed: _____
Additional information _____

Owner or Operator _____

County Weed Director _____

Chemical purchased on: _____ 19____
Date

Chemical retailer _____

Herbicide dealers seek end to subsidies

1-31-88

By Ray Hemman
The Hutchinson News
Farm Writer

Weeds are big business for county government. In 1987, the 105 counties in Kansas spent about \$16 million for herbicides to control a select group of weeds known as "noxious" weeds. State law requires farmers and county weed directors to eradicate these plants.

Noxious weeds include bindweed, Johnson grass and musk thistle. Of the \$16 million, about \$8.4 million were county taxes spent on the program. State law allows county governments to purchase herbicides for use on noxious weeds and then subsidize the resale to farmers by cutting prices up to 50 percent.

County taxpayers make up the difference between the amount county weed departments pay for the chemicals and what they sell them to farmers for.

Members of the Kansas Fertilizer and Chemical Association would like a piece of the noxious weeds action. The group, composed primarily of chemical retailers, the organization thinks the county government is competing unfairly with private enterprise.

County weed directors, meanwhile, don't think any change is needed.

The chemical dealers are pushing for an amendment to the state's noxious weed law that would allow farmers an option of where to purchase herbicides for noxious weeds. Under the proposal, a farmer could continue to purchase his chemicals from the county weed department or could get a cost-share certificate and purchase his chemicals from a retailer.

Ed Foster, director of the Reno County Noxious Weed Department, said he really didn't see a need for the proposed change.

"As far as I'm concerned, most of our work is on small areas," he said. "I can't see where commercial applicators would step in and treat those areas. Our average treatment is for 5 to 8 acres. We sell a little chemical for general weed control, but if the weeds are in a pasture or milo, we tell

the farmer to go to commercial applicators."

Chris Wilson, director of government affairs for the Kansas Fertilizer and Chemical Association, agreed with Foster that commercial applicators probably would not want to spray weeds on acreages as small as 5 to 8 acres. Her group's proposal, however, wouldn't change that function.

The retailers just want to be able to compete with county weed departments for herbicides to treat noxious weeds.

"Farmers would have to compare prices," Mrs. Wilson said of the proposal. "It would put the burden on our members to give farmers better prices than the weed departments. It wouldn't change the situation a lot unless a dealer would be aggressive. There are a lot of dealers out there who want to compete now but can't."

Under the proposal, a farmer would fill out an application to eradicate noxious weeds on his operation in much the same way he does now. The application would include information on the exact location of the weeds, how much would be treated, what chemicals would be used and how much of the chemicals would be applied.

The county weed director, then, would tell the farmer how much the county would charge the farmer for the chemicals or how large a certificate the farmer would be entitled.

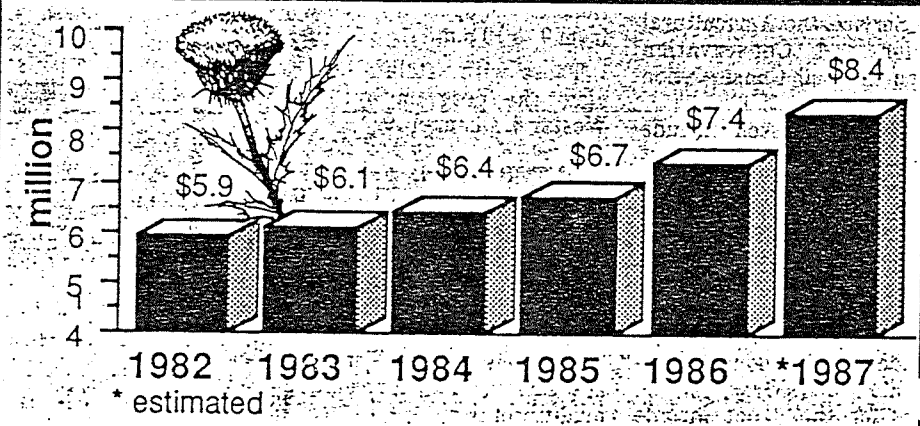
For example, the county weed director might say it would take 1 gallon of a particular chemical that retails for \$50 a gallon. With a 50 percent county subsidy, the chemical would cost the farmer \$25 from the county.

Or, the farmer could take a certificate worth \$25 to his retailer. If the retailer offered a better deal on that particular chemical — say charging \$45 for it — the farmer would end up spending only \$20 on the herbicide.

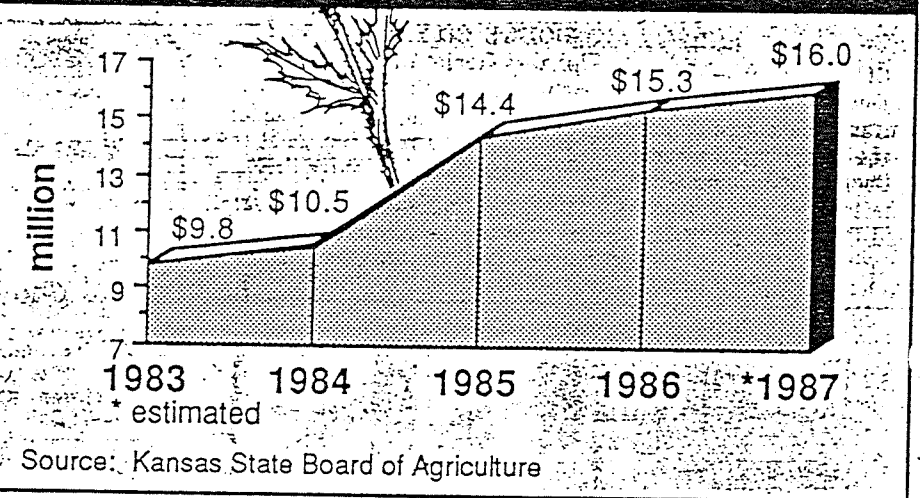
Foster, meanwhile, doesn't see a need for the new law.

"I think it's fair competition (between counties and retailers)," he said. "It is a situation where we are trying to help the farmer. By helping them control noxious weeds, it will help them later. We go in and

State subsidies to counties for noxious weeds.



Chemicals purchased by county weed departments



Source: Kansas State Board of Agriculture

kill the weeds; that adds to land value later."

The weed director also had concerns about how the proposal would be enforced. Since subsidized chemicals only can be used on noxious weeds, Foster wondered how retailers would know whether the chemicals were used properly.

The proposal, however, puts the enforcement burden on three people instead of two, Mrs. Wilson said. Currently, only the land owner and the county weed director must make sure the chemical is used

properly. The proposal would add a third party — the herbicide retailer.

"Dealers would have to certify the chemicals were used on noxious weeds," Mrs. Wilson said.

One concern the association has heard from county weed directors is that the proposal would eliminate the need for county departments. Mrs. Wilson said it wouldn't.

Instead, it would allow weed directors more time to control noxious weeds along roads and in farmers' fields, she said.

ATTENTION ALL PRODUCERS!

The Kansas Legislature is considering legislation to revise the State's Noxious Weed Law. One of the proposed changes is for a "Producer Option" on cost-sharing. This would permit farmers and ranchers to choose whether to purchase chemicals for noxious weed treatment through the county weed departments or to obtain cost-share certificates from the county, which could be applied to the purchase of chemicals from the ag chemical dealer of their choice.

Currently, the producer has only one choice and must purchase his chemicals from the county in order to receive the cost-share. The cost-share system was established by the Legislature as an incentive to the producer to control noxious weeds and should be provided to the producer, regardless of where the chemicals are purchased.

If producers are given the opportunity to choose where they will buy their chemicals, ag chemical dealers are ready and willing to compete for your business. The producer option program will allow your dealer to better serve you and will allow you to have the best weed control program possible. Also, this program will allow the counties to strengthen their weed departments by utilizing the resources and expertise of the dealers in helping get the job done.

Noxious weeds cost the producer in lost yields and pasture production. Many landowners go to the expense of treating noxious weeds every year, only to be reinfested by untreated neighboring land or roadsides and ditches. The producer option program will allow the county personnel to spend less time handling chemicals and more time providing technical assistance and controlling weeds on public lands.

We believe that the producer option program is in the best interests of you, the producer, and the county as well. The ag chemical dealers are simply asking for the opportunity to compete for your business. We urge you to support the proposed producer option program!

If you have questions about this program, contact the Kansas Fertilizer and Chemical Association, 816 SW Tyler, Topeka, KS 66612, 913-234-0461.

The Kansas Cooperative Council
The Kansas Fertilizer and Chemical Association
The Kansas Grain and Feed Association

Grass & Grain, Feb. 2, 1988

COST TO FARMERS OF CHEMICAL USED IN NOXIOUS WEED TREATMENT

	Present System (<u>Weed Department Sales</u>)	Proposed System (<u>Dealer Sales</u>)
Purchase price per gallon	bulk price from distributor	same or less (due to greater volume and more efficient product size)
Mark-up	storage, handling, clerical costs	same or less (due to greater volume)
Cost-share	percentage set by county	same or greater (due to greater county budget for cost-share, resulting from decreased other costs)
Net cost to farmer	discount from retail price	<u>same or less</u>

Dealers can not now compete with the county, because they don't have access to the cost-sharing. If we can offer the cost-share, we will be competitive and can often save the farmer money! The cost to the farmer will be the same or less!

Testimony on HB 2623
House Agriculture Committee
February 11, 1988
Prepared by Joe Lieber
Kansas Cooperative Council

Mr. Chairman and members of the committee, for the record my name is Joe Lieber, Executive Vice President of the Kansas Cooperative Council. The Council supports HB 2623 because it does create some parameters for the counties and their noxious weed business.

Even though we support it we hope that the committee realizes that even with HB 2623's passage the counties will still have a monopoly in the selling of chemicals to be used in the control of noxious weeds.

It is hard for us to understand why the counties are allowed to compete, unfairly, with some of the highest taxpayers in the counties, the chemical dealers.

If the counties are not making money in this business why are they fighting us so hard? The cost-share program, proposed by the chemical dealers, would not cost the county more money, it would not cost the producer more money, but it would allow free enterprise to compete and possibly make money.

What's wrong with that? I'm not sure the committee is prepared to discuss the cost-share proposal at this time but we did want to qualify our support for House Bill 2623.

Thank you.

Kansas Association of Counties

Serving Kansas Counties

212 S.W. Seventh Street, Topeka, Kansas 66603

Phone (913) 233-2271

February 11, 1988

To: Chairman Clifford Campbell
Members House Agriculture Committee

From: Bev Bradley, Legislative Coordinator
Kansas Association of Counties

Re: HB 2623

Good morning Mr. Chairman and members of the committee. I am Bev Bradley representing Kansas Association of Counties.

We, like many of you sat through long hours of "weed" information during the interim session. It became apparent that some legislators were not aware of K.S.A.-2-1314a. That statute gives the Board of Commissioners the power to cooperate with landowners in treatment of non noxious weed if they chose to do so. Some counties indeed do not currently sell chemical for the treatment of non noxious weeds and have never done so. It is permissive legislation giving the governing board the right to make the decision. We generally believe that is a good idea but, if it is the will of this legislature that policy will be changed.

T E S T I M O N Y

HOUSE BILL NO. 2623

PRESENTED TO

HOUSE COMMITTEE ON AGRICULTURE & SMALL BUSINESS

by

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

February 11, 1988

TESTIMONY

House Bill No. 2623

In November of 1986, the Kansas State Board of Agriculture, Plant Health Division undertook to thoroughly review the Noxious Weed Control program. This review was designed to pinpoint any problem areas in the program, develop corrective measures and insure that the program could meet future needs of noxious weed control in Kansas.

The review resulted in a number of proposals and recommendations designed to strengthen the program. These proposals were subsequently submitted to both the Kansas State Board of Agriculture and the interim committee. The Agency is already implementing those proposals which it can do on its own.

House Bill No. 2623 contains one of the remaining recommendations. Following our in-house review, the Plant Health Division proposed that chemical sales by county weed departments to property owners be limited to those materials used for control of noxious weeds. We were aware that in a few isolated instances, chemicals were being provided for use on mustard in wheat and similar uses. We believe that all County Weed Departments, like other agencies and businesses, have limited resources. As a consequence, time, energy and manpower devoted to sales of chemicals for control of non-noxious weeds detracts from the fundamental mission of the state and county programs. This mission is noxious weed control.

Since the Plant Health Division made the initial proposal contained in HB2623, other issues have arisen relative to Noxious Weed Program chemical sales which have caused some to view our recommendation in a different light. Never-the-less, we still adhere to the original proposal and the belief that the task at hand for the state and county noxious weed control programs is noxious weed control. We support this bill and have no amendments to recommend.