

Approved April 24, 1991
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE

The meeting was called to order by Representative Lee Hamm at
Chairperson

5:10 a.m./p.m. on Wednesday, March 27, 1991 in room 423-S of the Capitol.

All members were present except: Representative Rezac, Representative Garner,
Representative Rock, Representative Wisdom,
Representative Neufeld, Representative Crumbaker,
Representative Freeman, Representative Gatlin and
Committee staff present: Representative Heinemann. All were excused.

Raney Gilliland, Legislative Research
Pat Brunton, Committee Secretary

Conferees appearing before the committee: Melvin Steinlage, Kansas Fertilizer and
Chemical Association, Inc., Seneca
Kenny Keegan, Nemaha County Commissioner,
Baileyville
Joe Lieber, Kansas Cooperative Council, Topeka
Evan Swartz, Noxious Weed Director, Shawnee
County
Dan Schrag, Noxious Weed Director, McPherson
County
Bill Fuller, Kansas Farm Bureau
Bev Bradley, Deputy Director, Kansas
Association of Counties
Dennis Peterson, Riley County Weed Department,
Manhattan
Bill Scott, Kansas State Board of Agriculture

Chairman Hamm continued hearings on SB 308 and SB 322.

Melvin Steinlage, Seneca, read written testimony of Warren Beavers,
Hiawatha, who could not attend the 5:00 p.m. meeting. Mr. Beaver's
testimony was in support of SB 322, amending the Noxious Weed Law.
(Attachment 1).

Kenny Keegan, Nemaha County, testified in favor of SB 322 giving a
comparison of purchase price to sales price in Nemaha County. (Attachment
2).

Kenny Keegan read written testimony of Harold Gurtler who was unable
to attend the late meeting. Mr. Gurtler's testimony stated that he,
as a commissioner for Marshall County, wants to have both the County
Noxious Weed Department and chemical dealers being able to sell chemicals
for noxious weeds to landowners at the set discount the county weed office
has established. (Attachment 3).

Joe Lieber, Kansas Cooperative Council, testified in support of SB 322.
Mr. Lieber gave several reasons for his support, including competition,
saving producers time and money, streamlining county weed departments,
and the fact that this is an "optional" program. (Attachment 4).

Evan Swartz, Shawnee County, testified in opposition to SB 308 and SB
322. Mr. Swartz informed the committee that Kansas has the best Noxious
Weed Law in the nation and he sees no reason for change.

Dan Schrag, McPherson County Weed Director, appeared before the committee
in opposition to SB 322. Mr. Schrag stated that one of the problems
with the proposed certificate program involves the loss of control by
the county to purchase chemical at the lowest prices. (Attachment 5).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE,
room 423-S, Statehouse, at 5:10 ~~a.m.~~/p.m. on Wednesday, March 27, 1991.

Bill Fuller, Kansas Farm Bureau, testified in opposition to SB 322. Mr. Fuller stated they believe the County Weed Department has a very important "regulatory" responsibility when providing chemicals for noxious weed control. He further stated the "regulatory" function erodes as retail dealers begin providing the products. (Attachment 6).

Bev Bradley, Kansas Association of Counties, testified in opposition to SB 322 stating the history of KAC has been to oppose legislation in which it is mandatory for counties to provide a program to supply chemical through chemical dealers on a discount basis. She stated they still oppose such mandatory legislation. (Attachment 7).

Dennis Peterson, Riley County Weed Department, testified in opposition to SB 322. He stated he felt there would be no better way of handling chemicals for noxious weeds than what the current Noxious Weed Law provides. (Attachment 8).

Bill Scott, Kansas State Board of Agriculture, presented testimony by Dale Lambley, Director, Kansas State Board of Agriculture Plant Health Division. Mr. Lambley stated his agency feels that chemical cost and the cost sharing inducement are extremely important to the success of the noxious weed control effort in Kansas. (Attachment 9).

A lengthy question and answer period followed each testimony.

Chairman Hamm closed hearings on SB 308 and SB 322.

The meeting adjourned at 6:50 p.m. The next meeting of the House Agriculture Committee will be at 9:00 a.m., Thursday, March 28, 1991, in room 423-S of the State Capitol.



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 COMMITTEE
REPRESENTATIVE LEE HAMM, CHAIRPERSON
REGARDING S.B. 322
MARCH 27, 1991

Mr. Chairman and Members of the Committee, I am Warren Beavers, Legislative Committee Chairman and President Elect of the Kansas Fertilizer and Chemical Association (KFCA). I am employed by White Cloud Grain, Hiawatha, Kansas. I appreciate the opportunity to testify today on behalf of KFCA in support of S.B. 322, amending the Noxious Weed Law.

S.B. 322 would allow boards of county commissioners to adopt programs making chemicals for noxious weed control available through local retailers. Over the past few years, closer working relationships have developed between the county weed programs and local retailers in many counties. Working together is advantageous to all involved in efforts to control noxious weeds--landowners, county weed supervisors and chemical applicators--and results in better noxious weed control.

Some counties are already making chemicals available through the local retailers, as a convenience for landowners who are closer to the retail facility than the county seat

Hs. Ag.
3-27-91
ATTACHMENT 1

and in cases where the county prefers for the dealers to store the chemicals. Also, many chemicals are applied by the dealer, so it is a convenience for all involved to have the chemicals at the dealer's facility.

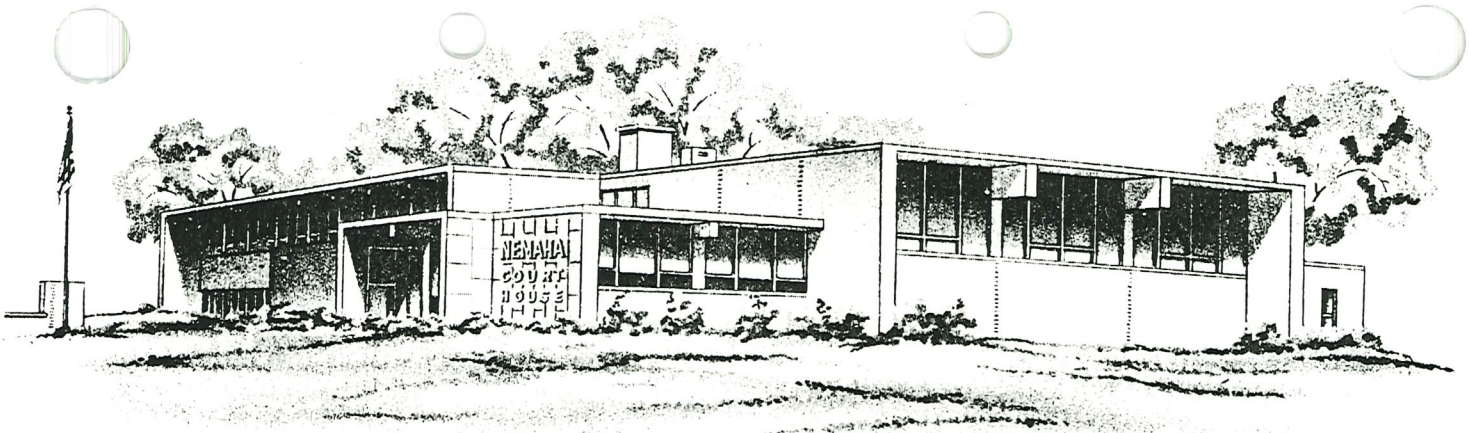
Under the current law, the counties could have landowners pick up chemicals at their retailer's facility, then reimburse the landowners for the amount that the county is providing in cost-share. However, this would require a lot of paperwork in writing a check to each landowner.

The change in S.B. 322 would be to allow the counties to reduce paperwork by allowing the retailer to extend the discount to the landowner and then reimbursing the retailer, thus writing only a few checks compared to possibly hundreds.

This is a simple change, and it is entirely up to the county commissioners if they wish to enter into such a program. In those counties where there are good working relationships, the county commissioners could choose to implement this type of program. Of course, the approval of the county weed supervisor would still be required before any landowner could purchase chemicals at the discount price.

We ask your favorable consideration of S.B. 322 and thank you for this opportunity to speak to you. If you have any questions, I will be glad to respond.

####



NEMAHA COUNTY
 SENECA, KANSAS
 66538

4# 2,4-D	AMINE COST	NEMAHA COUNTY
1 GAL	\$8.47	ACTUAL PURCHASE FEBRUARY, 1991
2-1/2 GAL	7.77	ACTUAL PURCHASE FEBRUARY, 1991
55 GAL	6.97	COST FIGURE FROM BERN SEED COMPANY

4# 2,4-D	SALES PRICE	
ALL SIZES	\$6.00	NEMAHA COUNTY WEED DEPARTMENT
BULK	7.50	NEMAHA COUNTY CO-OP

SUBSIDY BY NEMAHA COUNTY WEED DEPARTMENT

1 GAL	\$2.47	PLUS OVERHEAD
2-1/2 GAL	1.77	PLUS OVERHEAD

PROJECTED BULK \$1.50 CERTIFICATE

TOTAL COST TO USER \$6.00 GALLON

SAVINGS TO NEMAHA COUNTY TAXPAYER

\$.27 GALLON PLUS OVERHEAD (ON 2-1/2)
 \$??? SUBSIDIZED LANDFILL DISPOSAL COSTS
 PROFIT BY MERCHANTISER TO PAY INCREASING PERSONAL PROPERTY
 TAXES

*Hs. Ag.
 3-27-91
 ATTACHMENT 2*



First District-
Genie Long
Phone 913-562-3647
Marysville, Kansas 66508

Second District-
DeWayne Lindquist
Phone 913-785-2618
Waterville, Kansas 66548

Third District-
Harold Gurtler
Phone 913-353-2585
Beattie, Kansas 66406

Phone 913-562-5361
MARYSVILLE, KANSAS 66508

County Clerk-
Gayle Landoll
Phone 913-562-5361
Marysville, Kansas 66508

County Engineer-
Wesley W. Wendt
Phone 913-562-5349
Marysville, Kansas 66508

March 26. 1991

Dear Representative Lee Hamm and Committee Members;

The city of Marysville is located in the northwest corner of Marshall county. Due to this location, many land owners may travel 50 miles or more to pick up chemicals at our noxious weed department office. The average mileage for many of our landowners to travel is 20 miles for a round trip. If the cost of travel is \$.25 per mile the trip for the landowner would add \$5.50 in increased cost for purchasing the spray. The Marshall County Weed Office is open from 8:30 A. M. to Noon and 1:00 P.M. to 5:00 P.M., five days per week while the chemical dealers have longer operating hours and are open for at least half of a day on Saturday and during peak chemical season may be open 7 days a week. By allowing the dealers to sell chemicals for the Noxious Weed Departments it could save many landowners travel time and make picking up chemicals easier to fit into their busy schedules. Credit policies may differ from the dealers and the county noxious weed departments. In Marshall County all chemicals are cash at time of pickup, however I feel that the chemical dealers in doing business with landowners may charge purchases to thier customers that they normally do business with and with non resident landowners it would sure be a convenience for them as their tenant would be able to charge the chemicals used for noxious weeds to the landlord, rather than waiting for them to send a check for payment of the chemicals. As a commissioner for Marshall County, I want to have both the County Noxious Weed Department and Chemical Dealers to be able to sell chemicals for noxious weeds to landowners at the set discount the county weed office has established.

Sincerely:


Harold Gurtler

HS. AG.
3-27-91
ATTACHMENT 3



First District:
Genie Long
Phone 913-562-3647
Marysville, Kansas 66508

Second District:
DeWayne Lindquist
Phone 913-785-2818
Waterville, Kansas 66548

Third District:
Harold Gurtler
Phone 913-383-2585
Beattie, Kansas 66408

Phone 913-562-6381
MARYSVILLE, KANSAS 66508

County Clerk:
Gayle Landoll
Phone 913-562-6381
Marysville, Kansas 66508

County Engineer:
Wesley W. Wandt
Phone 913-562-6348
Marysville, Kansas 66508

March 4, 1991


To Whom It May Concern:

We fully support the alteration of state statutes to allow private entities to dispense chemicals for the control of noxious weeds.

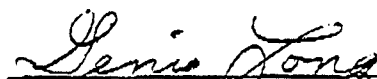
Forcing persons to drive many miles to pick up chemicals is a waste of precious energy.

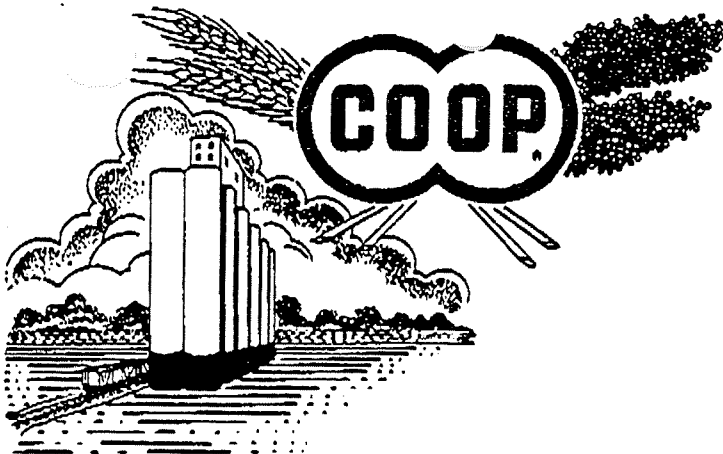
Dispersal of chemicals could still be allowed by the Noxious Weed Department. Less time spent dispersing chemicals will allow the Noxious Weed Directors to spend more time locating noxious weeds and eradicating them and educating the public. This dispersal could be accomplished with a certificate system so Noxious Weed Directors can maintain control of their budgets.

Yours truly,
MARSHALL COUNTY COMMISSIONERS


DeWayne Lindquist, Chairman


Harold Gurtler, Member


Genie Long, Member


BEATTIE FARMERS UNION CO-OP ASSN.

BOX 60

BEATTIE, KANSAS 66406

913-353-2237

March 2, 1991

Senator Jim Allen
 Agriculture Committee Chairperson
 State Capitol Building
 Topeka, Kansas 66612

Dear Senator:

As Manager for the Beattie Farmers Union Coop, I am in full support of Senate Bill No. 322 to ammend K.S.A 2-1319 and K.S.A. 1990 Supp 2-1322.

During the past year the Marshall County Commissioners have discussed with local chemical dealers their interest in participating in this type of program to be able to offer to Marshall County Landowners. Senate Bill No. 322 can work for county noxious weed departments and local dealers. It would not eliminate the sales of chemicals by the county weed departments but in Marshall County will help the landowner to purchase chemicals to take care of noxious weeds without having to drive twenty-five miles or more to pick up chemicals as many of our customers currently do. The county would be able to reimburse the dealer for the amount of the discount given to the landowner and the landowner may save money by participating in the program.

While Senate Bill No. 322 is in committee and when it reaches the floor I would appreciate your support in favor of this bill.

Sincerely:

Larry L. Preuss
 Manager

Axtell Grain Company

Phone 736-2245

Clarence Wullschleger, Mgr.

Axtell, Kansas 66403

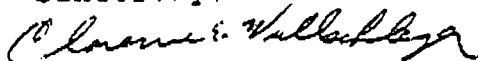
Kansas Senate
State Capital
Topeka, KS

To Whom it may concern:

As a chemical dealer, I would like to be able to sell noxious weed chemicals to the farmers instead of them getting the chemicals from the county.

I feel this would be more convenient for the farmers in our area, as we are 20 miles from the county weed department.

Sincerely,



Clarence Wullschleger
Manager

LEWIS SEED & FERTILIZER INC.
P.O. Box 7
HOME, KANSAS 66438

In Kansas 800-332-0026 or 799-3321

March 2, 1991

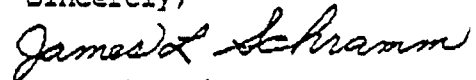
Sen. Jim Allen
Chairperson
Senate Agriculture Committee
Topeka, Kansas

Dear Senator Allen,

I am writing to urge your support for S.B.322 which would allow counties to establish programs for selling chemicals for noxious weed control through local retailers. The issue of local, tax-paying agri-business forced into competition with county government has been a vexing one and one which has irked me since implementation of the system. I realize that the noxious weed directors organization is very much against this bill fearing that this will somehow eliminate their jobs. This is absolutely untrue. What passage of this bill would do is allow the businesses in the state who have expertise in this area to sell the chemicals to people who need them to battle noxious weeds and allow noxious weed directors to spend their time in implementing the noxious weed laws as well as educating people on identifying and eliminating target weeds. The system as it now operates makes the chief duty of the county director one of ordering, loading, and distributing chemicals. The local agri-business community could just as well do this.

I once again urge your favorable consideration on this matter.

Sincerely,



James L. Schramm
Vice-President



THE HERKIMER COOPERATIVE BUSINESS ASSOCIATION

P. O. BOX 108

HERKIMER, KANSAS 66433

913-744-3226

BREMEN

MARYSVILLE

913-337-2387

913-562-5371

March 4, 1991

Dear Senator Allen, or to whom it may concern:

This letter is in regard to chemicals sold through the Marshall County Weed Office. Representing the Herkimer Co-op. Business Association, I feel chemicals should be sold by any chemical dealer, and allow each dealer to make a profit on it. Then the farmer could turn in his ticket to the county for a discount on chemicals used for noxious weed control.

Yours truly,

Herkimer Co-op. Business Association
Delmar Schotte, General Manager

Testimony on SB 322
House Agriculture Committee
March 27, 1991
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 Council has a membership of nearly 200 local cooperatives that are owned by nearly 200,000 Kansans. We support SB 322 for the following reasons.

1. Using the program proposed by SB 322 will not cost the county or the producers more money because the discount would be the same as if the producers purchased it from the county. Competition with other dealers will keep the prices in line.
2. Using the program may even save the producers time and money. He/she may be able to obtain the chemicals at a dealer close to the farm instead of driving all the way to the county seat.
3. We assume that county budgets are just as tight as other government entities, and by using the new program the county would be able to streamline their weed department and allow the directors more time to investigate and regulate the weed laws. We're not sure why the counties would want to spend money on containment facilities or open themselves up for lawsuits in handling the chemicals.
4. We also support SB 322 because it is an "optional" program. Counties that want to implement the program will have that opportunity. Other counties have the opportunity to wait and see the results of the counties who use the program before they make a decision.

Thank you for your time and we hope you support SB 322. I will attempt to answer any questions.

H.S. AG.
3-27-91
ATTACHMENT 4



McPHERSON COUNTY

I would like to express my appreciation for this opportunity of sharing with you some examples of our county's involvement with the certificate program concept and local dealer participation.

Recent government leaders in McPherson County have taken an active progressive role in pioneering new and innovative ideas pertaining to efficient and effective management in local government. Some of these ideas have been quite successful. McPherson County has, for two years in a row, received the prestigious Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association. I, for one, am proud to be an employee within this organization of highly professional leaders.

It is in this pioneering spirit of pursuing new and innovative ideas that, in 1988, I was directed by our commission to look into the possibility of developing a certificate program in McPherson County. The issue was presented to our legal council to determine the legality of the issue under present state statute. It was determined that a certificate program could be developed legally provided each request for chemical would be treated as an individual and separate direct purchase from the dealer of choice. The customer would then be charged 75% (county cost share) of the particular dealers price.

Let me give you an example. A customer wants to purchase a gallon of Tordon 22K from Dealer A and the dealer price is \$95.60 per gallon. Under this plan the weed department would purchase the gallon from the dealer for \$95.60 and resell the chemical to the customer for \$71.70 (75% cost share).

The problem here is that the same gallon of Tordon 22K could have been purchased through the weed department in 1988 at \$53.75 or \$17.95 less.

When these losses were computed over the course of one year of chemical sales, the cost to the weed department amounted to \$8,914.89. The study did not take into account administrative costs which would have added considerable expense to the program. The costs were simply much to high to consider implementing this plan in our county. (See submitted study)

It should be noted, however, that all purchase costs were based on dealer retail cost and that the proposed certificate plan would be structured differently than illustrated here.

In any event, the results of this study, regardless of how a certificate plan operates, indicates a very real concern for increased chemical costs under a certificate program.

Another problem with the proposed certificate program involves the loss of control by the county to purchase chemical at the lowest prices.

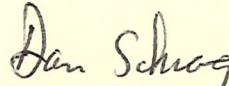
Weed departments are able to keep chemical prices down by submitting bids or comparison pricing in order to obtain the best price for the consumer.

Last year, a decision was made by our county to purchase our initial spring chemical inventory from a local dealer at a 2% increase above the distributor price. Six months later, a second order was placed with the same local dealer and a 11 - 27% increase above the stated original bid price was charged or quoted, forcing the county to reverse the earlier decision to buy locally. (See bid sheets and invoices) I am happy to report today that I have recently placed a large order with the local dealer as a fair price was again offered.

The point I wish to make here is that the county was able to maintain control at the local level in these situations. The county was able to work with the local dealer as long as fairness and equality were maintained. The county was also sensitive to the needs of the consumer and, of utmost importance, the taxpayer.

McPherson County has done all this without the benefit of a county option certificate program.

Respectfully submitted,



Dan Schrag
McPherson County Weed Director

FULL COST PRICES OF CHEMICALS AT VARIOUS LOCATIONS AROUND THE COUNTY

	WEED DEPARTMENT	A	B	C	D
2.4-D Ester	11.50	12.70	11.60	12.90	11.70
2.4-D Amine	10.75	10.25	8.40	-0-	9.10
Tordon 22K	71.50	95.60	91.20	86.90	85.00
Banvel	59.75/-0-	70.80/59.65	-0-/64.00	-0-/60.00	86.00/85.00
Roundup	73.00/-0-	81.50/65.95	84.00/66.80	-0-/69.95	81.00/65.00

COST SHARE OF CHEMICALS CALCULATED ON 75% OF THE ABOVE PRICES

	WEED DEPARTMENT	A	B	C	D
2.4-D Ester	8.75	9.50	8.75	9.75	8.75
2.4-D Amine	8.25	7.75	6.25	-0-	6.75
Tordon 22K	53.75	71.75	68.50	65.25	63.75
Banvel	45.00/-0-	53.00/44.75	-0-/48.00	-0-/45.00	64.50/63.75
Roundup	54.75/-0-	61.00/49.50	63.00/50.00	-0-/52.50	60.75/48.75

BREAKDOWN OF AMOUNT FARMER PAYS FOR CHEMICALS COMPARED TO TAXPAYERS PAY FOR CHEMICALS
PER LOCATION BASIS

Location A:

CHEMICAL	FARMER PAYS	TAXPAYER PAYS
2.4-D Ester	9.53	3.17
2.4-D Amine	7.69	2.56
Tordon 22K	71.70	23.90
Banvel	53.10/44.74	17.70/14.91
Roundup	61.13/49.46	20.37/16.49

Location B:

CHEMICAL	FARMER PAYS	TAXPAYER PAYS
2.4-D Ester	8.70	2.90
2.4-D Amine	6.30	2.10
Tordon 22K	68.40	22.80
Banvel	-0-/48.00	-0-/16.00
Roundup	63.00/50.10	21.00/16.70

Location C:

CHEMICAL	FARMER PAYS	TAXPAYER PAYS
2.4-D Ester	9.68	3.22
2.4-D Amine	-0-	-0-
Tordon 22K	65.18	21.72
Banvel	-0-/45.00	-0-/15.00
Roundup	-0-/52.46	-0-/17.49

Location D:

CHEMICAL	FARMER PAYS	TAXPAYER PAYS
2.4-D Ester	8.78	2.92
2.4-D Amine	6.83	2.27
Tordon 22K	63.75	21.25
Banvel	64.50/63.75	21.50/21.25
Roundup	60.75/48.75	20.25/16.25

Weed Department

CHEMICAL	FARMER PAYS	TAXPAYER PAYS
2.4-D Ester	8.63	2.87
2.4-D Amine	8.06	2.69
Tordon 22K	53.63	17.87
Banvel	44.81	14.94
Roundup	54.75	18.25

COST SHARE OF CHEMICALS SOLD TO LANDOWNERS/TENANTS USING ABOVE TABLE II TO CALCULATE

	GAL.	WEED DEPT	A	B	C	D
Banvel	131	5895	6956/5861	-0-/6288	-0-/5895	8450/8351
2.4-D Amine	1550	12.788	11.916	9765	-0-	10.579
2.4-D Ester	994	8698	9468	8648	9617	8722
Roundup	46.5	2767/-0-	2842/2300	2930/2330	-0-/2440	2825/2267
Tordon 22K	325	17.469	23.303	22.230	21.182	20.719
TOTALS	(1's) (5's)	47.617	54.485 52.848	43.573 49.261	39.134	51.295 50.638

CHEMICAL COST (AVE.) FOR COUNTY ONLY USAGE (ROADS, RAILROADS & CUSTOM)

Banvel	37 gal.	@ 58.10	=	2,149.70
2.4-D Amine	1362 gal.	@ 9.16	=	12,475.92
2.4-D Ester	146 gal.	@ 9.68	=	1,413.28
Roundup	-0-			
Tordon 22K	123 gal.	@ 70.59	=	8,682.57
Oust	768 oz.	@ 7.11	=	5,459.52

		TOTAL		47,615.50

TOTAL COST OF CHEMICALS IF WE WENT ON CERTIFICATE POLICY.

	COUNTY WIDE AVE. COST	CO. USAGE	TOTAL COST
-----	-----	-----	-----
Banvel	8,798.29	2,149.70	10,947.99
2.4-D Amine	14,337.50	12,475.92	26,813.42
2.4-D Ester	12,151.65	1,413.28	13,564.93
Roundup	3,112.01	-0-	3,112.01
Tordon 22K	29,144.38	8,682.57	37,826.95
Oust	-0-	5,459.52	5,459.52

			97,724.82

COST OF CHEMICAL COUNTY SPENT IN 1988 (AS OF 10-31-88)

Banvel	9,760.80
2,4-D Amine	26,347.80
2,4-D Ester	11,013.00
Roundup	3,388.16
Tordon 22K	31,524.16
Oust	5,459.52

	87,659.04
+ misc. chemicals for county use only (drift retard.. defoamer. dye)	1,150.89

	88,809.93

Increase in cost through certificate program based on existing sales:

8,914.89 **

** - by the time the study was completed, it was the consensus that due to increase in administrative duties and the issuance of the policy, the increase would be approximately \$10,000.00

OTHER CONSIDERATIONS:

1. Initial cost of a new format to reimburse customers for chemical purchased at the various locations. Since we would no longer be selling chemicals, the various vendors would be responsible for this as stated in the Kansas Pesticide Use Law. Section 13.
2. More of an emphasis would be put on enforcement with several other vendors involved.
3. Increase cost in vouchers due to issuing a separate voucher for every reimbursement.
4. Increase in office manager's time handling customers. All vendors would notify farmers at time of sale of the county's policy of reimbursement. We would have those customers that we normally do business with plus those we have never seen before.
5. Increase time in state reporting forms. The quarterly report would create the biggest increase in reporting time. This form is filled out by how much chemical is purchased at a certain price. With having additional vendors, the reporting of the various chemical prices would increase greatly.

KANSAS PESTICIDE USE LAW
1970

AN ACT relating to the use of pesticides; defining terms; providing for administration and enforcement; adoption of regulations; licensing applicators and providing fees therefor; providing exemptions; providing for the denial, suspension, revocation and modification of licenses; providing for bond; providing for transfer of funds; authorizing restriction on use of pesticides; providing for a pesticide advisory board; and prescribing penalties for violations; repealing K.S.A. 3-901, 3-903 to 3-910, inclusive, and 3-912 and K.S.A. 1969 Supp. 3-902 and 3-911.

Substitute for Senate Bill No. 472
By Committee on Agriculture and Livestock
As Amended by Senate Committee of the Whole
and
As Amended by House Committee

Noxious Weeds Division
Kansas State Board of Agriculture
Freeman E. Biery
Director

or lessee of the land or other person who may be charged with the responsibility and furnish copies of such statements as may be requested.

Sec. 13.. Licensees and registrants to keep records and report; duration; submission to secretary.

Every licensee and registrant shall make records of his activities, which shall include on each spraying and dusting job: (1) the name of the registrant; (2) the name of the landowner, or customer; (3) the legal description, or the town and street address, or the physical location of the area treated; (4) the date of application of spray or dust; (5) the kind of pesticide used; (6) the quantity used; (7) wind direction and velocity; and (8) purpose of use. A copy of such record shall, in every case, be kept in the licensee's or registrant's files for a period of three (3) years from date of application and shall make such records available to the secretary upon request. A duplicate report shall be furnished to the customer immediately following application. The secretary is authorized to: (1) Require such periodic reports, and (2) prescribe such forms, as he deems necessary to carry

out the provisions of this section.

Sec. 14. License plates for equipment.

All licensed equipment shall be identified by a license plate or decal furnished by the secretary, at no cost to the licensee, which plate or decal shall be affixed in a location and manner upon such equipment as prescribed by the secretary.

Sec. 15. Exemptions.

The provisions of this act relating to licenses and requirements for their issuance shall not apply to any person working at his own residence; nor to a person operating his own or leased dispersing equipment on vegetation or land owned or leased by him for agricultural purposes, nor to a person operating dispersing equipment on vegetation or land of a neighbor or neighbors in exchange for work; nor shall this act apply to any person operating dispersing equipment (1) for the purpose of controlling termites or other pests around structures, or (2) for the purpose of controlling insect pests or diseases of shade trees and ornamental shrubs, if an operator for either such purpose is licensed under article 24 of chapter 2 of the Kansas

The McPherson County Weed Department is presently accepting bids for the following chemicals according to the stated specifications:

AMOUNT	CHEMICAL	SIZE	PRICE
-----	-----	-----	-----
540 gal.	2,4-D Amine	Gallons	
750 gal.	2,4-D Amine	2 x 2 1/2 gal.	
1080 gal.	Rhone Poulenc 64A	30 gal. drums	
180 gal.	2,4-D L.V. Ester	Gallons	
300 gal.	2,4-D L.V. Ester	2 x 2 1/2 gal.	
192 gal.	Tordon 22K	Gallons	
384 oz.	Oust	8 x 48 oz.	
84 gal.	Banvel	Gallons	
20 gal.	Roundup	Gallons	
16 gal.	Roundup	Quarts	
20 gal.	Surfactant	Gallons or 2 x 2 1/2 gal.	
16 gal.	MORE drift retardant	Gallons	
8 gal.	No Foam	Gallons	
	Tordon R.T.U.	Gallons	

All 2,4-D Amine must contain 3.8# 2,4-D acid equivalent per gal. in the diethylamine or alkolamine salt form.

All 2,4-D Ester must contain 3.8# 2,4-D acid equivalent per gal. in the isooctyl or butyoxethenal form.

All 2,4-D Amine in 30 gallon drums must be Rhone Poulenc Weedar 64A brand.

Surfactant - non-ionic min. 90% active ingredient per gallon.

No Foam - min 10% active ingredient per gallon.

A specification sheet must be included for each of the following chemicals:

2,4-D Amine:

Sequestering material(s)
% of defoamer

2,4-D Ester:

% of emulsifiers
solvent material

A label pertaining to each product included in bid must be submitted.

All herbicides will be considered separately.

The use of a brand name is for the purpose of describing the standard of quality, performance and characteristics desired and is not intended to limit or restrict competition.

McPherson County reserves the right to refuse or reject any or all bids.

All bids must be submitted by _____, 1990 to McPherson County Weed Department, Box 105, McPherson, KS 67460.

Cornbelt Chemical Company
P.O. Box 410
McCook, Nebraska 69001

The McPherson County Weed Department is presently accepting bids for the following chemicals according to the stated specifications:

AMOUNT -----	CHEMICAL -----	SIZE -----	PRICE -----
540 gal.	2,4-D Amine	Gallons	\$ 8.14 PER GALLON
750 gal.	2,4-D Amine	2 x 2 1/2 gal.	\$ 7.43 PER GAL.
1080 gal.	Rhone Poulenc 64A	30 gal. drums	\$8.48 PER GAL.
180 gal.	2,4-D L.V. Ester	Gallons	\$10.14 PER GAL.
300 gal.	2,4-D L.V. Ester	2 x 2 1/2 gal.	\$ 9.53 PER GAL.
192 gal.	Tordon 22K	Gallons	\$71.45 PER GAL.
384 oz.	Oust	8 x 48 oz.	\$ 7.72 PER OUNCE.
84 gal.	Banvel	Gallons	\$68.74 PER GAL.
20 gal.	Roundup	Gallons	\$69.00 PER GAL.
16 gal. 2 1/2 qt.	Roundup	Quarts	\$30.14 PER QUART.
20 gal.	Surfactant	Gallons or 2 x 2 1/2 gal.	\$10.62 PER GAL. \$
16 gal.	MORE drift retardant	Gallons	\$17.75 PER GAL.
8 gal.	No Foam	Gallons	\$29.00 PER GAL.
	Tordon R.T.U.	Gallons	\$22.90 PER GAL. WHEN AVAILABLE

All 2,4-D Amine must contain 3.8# 2,4-D acid equivalent per gal. in the diethylamine or alkolamine salt form.

All 2,4-D Ester must contain 3.8# 2,4-D acid equivalent per gal. in the isooctyl or butyoxethenal form.

All 2,4-D Amine in 30 gallon drums must be Rhone Poulenc Weedar 64A brand.

Surfactant - non-ionic min. 90% active ingredient per gallon.

No Foam - min 10% active ingredient per gallon.



CONWAY, KANSAS
 RT. 2, BOX 87 - CONWAY
 McPHERSON, KS. 67460
 (316) 834-2248 - (316) 834-2348

Bids for McPherson County Weed Department

March 14, 1990

<u>AMOUNT</u>	<u>CHEMICAL</u>	<u>SIZE</u>	<u>PRICE</u>
540 gal.	2,4-D Amine	Gallons	\$ 8.26
750 gal.	2,4-D Amine	2 x 2½ gal.	7.57
1080 gal.	Rhone Poulenc 64A	30 gal. drums	8.86
180 gal.	2,4-D L.V. Ester	Gallons	10.35
300 gal.	2,4-D L.V. Ester.	2 x 2½ gal.	9.82
192 gal.	Tordon 22K	Gallons	72.00
384 oz.	Oust	8 x 48 oz.	7.95
84 gal.	Banvel	Gallons	69.43
20 gal.	Roundup	Gallons	70.00
24 qts.	Roundup	Quarts	31.00
20 gal.	Surfactant	Gallons or 2 x 2½ gal.	11.15
16 gal.	MORE drift retardant	Gallons	18.19
8 gal.	No Foam	Gallons	29.00
	Tordon R.T.U.	Gallons	23.39

Final tally sheet

<u>CHEMICAL</u>	<u>CORNBELT</u>	<u>COLL.</u>	<u>WISE</u>	<u>PUEBLO</u>	<u>TERRA</u>	<u>VM</u>
2,4-D Amine	\$8.14	\$8.26	\$NB	\$8.35	\$8.05	\$11.20
2,4-D Amine	7.43	7.57	NB	7.74	7.45	10.60
Phone Poulenc	8.48	8.86	NB	7.24*	8.55*	11.30
LV Ester	10.14	10.35	NB	10.21	10.15	14.90
2,4-D LV Ester	9.53	9.82	NB	9.74	9.35	14.90
Tordon 22K	71.45	72.00	NB	71.45	72.25	NB
Oust	7.72	7.95	NB	7.80	8.05	7.74
Banvel	68.74	69.43	NB	68.75	68.75	NB
Roundup	69.00	69.43	68.59	69.59	68.99	NB
Roundup	30.14	31.00	28.16	30.53	28.75	NB
Surfactant	10.62	11.15	NB	15.35	11.85	11.50
MORE	17.75	18.19	NB	42.80	NB	18.95
				(10.70 qt.)		
No Foam	29.00	29.00	NB	4.50	23.75	31.80
						(7.95)
Tordon RTU	22.90	23.39	NB	20.80	21.58	16.90

* - Not specified Rhone Poulenc

In a comparison between Cornbelt and Collingwood prices, Collingwood's prices are from 1.5 to 4.9% higher.

Purchase Order-Claim Voucher

McPHERSON COUNTY

McPHERSON, KANSAS 67460

Dated April 20, 1990

Pay to ...

Collingwood Grain Inc.
Rt. 2, Box 87
McPherson, KS 67460

Warrant No.

Date Paid

Amount Paid \$38,571.70

2800 Fund Noxious Weed

For chemicals

This original order must be returned with your Itemized Billing.

Table with 6 columns: QUANTITY, ACCOUNT #, DESCRIPTION OF ARTICLES, IS IT ENCUMBERED?, ENCUMBRANCE #, PRICE. Includes itemized list of chemicals and their prices, ending with a total of \$38,571.70.

I DO HEREBY CERTIFY, That the foregoing account is correct, reasonable, and just, and remains due and unpaid, that the charges herein are legal or ordinary charges for such service or material.

Date

Signature line with 'X' mark

By: Signature line with 'X' mark

Approved for Payment

Signature of Dan Schrag, Head of Department

Head of Department

Financial Manager

Chairman, Board of County Commissioners

County Attorney

Requisition No.

Approved: Signature of Dan Schrag, Head of Department

Head of Department

Audited and approved as correct, due and unpaid.

I CERTIFY that here is sufficient money and budget authority available in the within named fund and for the purpose of this purchase.

Financial Manager

Filed

19

DEPARTMENT HEAD

Purchase Order-Claim Voucher
McPHERSON COUNTY
McPHERSON, KANSAS 67460

July 18, 1990

Pay to ... [Collingwood Grain Inc.
Rt. 2, Box 87
McPherson, KS 67460]

Warrant No. _____
Date Paid _____
Amount Paid \$5,510.80
2800 Fund Noxious Weed
For chemicals

This original order must be returned with your Itemized Billing.

QUANTITY	ACCOUNT #	DESCRIPTION OF ARTICLES	IS IT ENCUMBERED?	ENCUMBRANCE #	PRICE
	2800-00-7250-04	360 gal. 2,4-D amine (30's) @ 11.25/gal.	yes	615	4,050.00
		8 gal. Roundup (1's) @ 77.75/gal.	yes	615	622.00
		24 qts. Roundup @ 34.95/qt.	yes	615	838.80
					Total \$ 5,510.80

(This was the second order placed for 2,4-D Amine in 30 gal. drums. Please note price increase. Also this was the first order placed for Roundup. Also note price increase.)

I DO HEREBY CERTIFY, That the foregoing account is correct, reasonable, and just, and remains due and unpaid, that the charges herein are legal or ordinary charges for such service or material.

Date _____ By: _____ X

Approved for Payment
Jan Schray
Head of Department
Financial Manager
Chairman, Board of County Commissioners
County Attorney

Requisition No. _____
Approved: Jan Schray
Head of Department
I CERTIFY that here is sufficient money and budget authority available in the within named fund and for the purpose of this purchase.
Financial Manager
Filed _____ 19____

Audited and approved as correct, due and unpaid.

DEPARTMENT HEAD



PUBLIC POLICY STATEMENT

HOUSE AGRICULTURE COMMITTEE

**RE: S.B. 322 - Allowing Counties to Establish a Program
to Provide Chemicals from a Chemical Dealer to
Landowners on a Discount Basis.**

March 27, 1991
Topeka, Kansas

Presented By:
Bill Fuller, Assistant Director
Public Affairs Division
Kansas Farm Bureau

Chairman Hamm and members of the Committee:

My name is Bill Fuller. I am the Assistant Director of the Public Affairs Division for Kansas Farm Bureau. We certainly appreciate the opportunity to express our opposition to S.B. 322.

A resolution concerning "Noxious Weeds" was adopted several years ago and reaffirmed this year by the 439 Voting Delegates representing the 105 County Farm Bureaus at the KFB Annual Meeting. The entire resolution is attached for your review. The section that applies to S.B. 322 states:

... Herbicides for control of noxious weeds should continue to be available from County Weed Departments. Cost share incentives used for herbicides to control noxious weeds should be continued and limited to County Weed Departments. ...

Frankly, Mr. Chairman and members of the Committee, we were disappointed S.B. 322 was introduced this session. Our farm and ranch members, not unlike many legislators, have grown weary of this issue. This all started late in the 1987 Session when H.B. 2593 was

Hs. Ag.
3-27-91
ATTACHMENT 6

introduced by the House Federal and State Affairs Committee and referred to the House Agriculture Committee. The plan would have landowners acquire chemicals from local chemical dealers rather than County Weed Departments. Also, the bill repealed the authority for County Weed Departments to provide chemicals for non-noxious weed control. No hearings were held. The 1988 Agriculture Interim Committee studied the issue and recommended H.B. 2623. The 1988 Legislature approved that bill which took County Weed Departments out of the non-noxious weed control business. We supported that bill which most considered to be the compromise on the issue. S.B. 322 is just the latest of several attempts to take the distribution of herbicides away from County Weed Departments.

On the surface, S.B. 322 may look harmless because it provides for a local option. Also, the proponents make points that would lead you to believe they are doing all of us a favor. They claim:

1. S.B. 322 would reduce the county's liability for storage of chemicals ... **However, the County Weed Directors Association oppose the bill.**
2. S.B. 322 would reduce the number of chemical containers going to landfills ... **However, County Weed Departments too can and do provide product in large and often returnable containers.**
3. S.B. 322 would make chemicals more available to landowners (farmers) ... **However, the farm and ranch members of our organization oppose the bill and ask you to not change the system for distribution of noxious weed chemicals.**

We believe the County Weed Department has a very important "regulatory" responsibility when providing chemicals for noxious weed control. The "regulatory" function erodes as retail dealers begin providing the products. First, retailers must preserve a positive relationship with their customers. Second, retailers profits are related to volume of sales. Retail dealers can not be effective enforcers of the law.

We believe S.B. 322 puts the "nose of the camel under the tent" and will reduce the effectiveness of noxious weed control in Kansas. What assurance do we have that Chemical Distributor "x" will provide product at the same price to County Weed Departments as their retail dealers in the various counties? None! As a result County Weed Departments will eventually be squeezed out of providing chemicals and in the long run the price landowners will have to pay for chemicals will likely rise. Higher chemical costs to landowners will result in less noxious weed control in Kansas ... not more! We ask you to reject S.B. 322. We will respond to any questions you may have. Thank you!

KANSAS FARM BUREAU

1991 Policy

Noxious Weeds

AG-20

Noxious weed eradication should have a high priority with state government and with each of our 105 counties. We believe the Board of Agriculture should provide more leadership and be given more authority to enforce noxious weed laws. We support setting minimum qualifications for applicants seeking employment as County Weed Directors. Expanding control methods to include herbicides, cultural and biological methods should be allowed. Enforcement should include increased penalties for violation of the law.

Herbicides for control of noxious weeds should continue to be available from County Weed Departments. Cost share incentives used for herbicides to control noxious weeds should be continued and limited to County Weed Departments.

Governmental agencies should be prohibited from sowing any cover crop on public rights-of-way that contains any noxious weed seed or any restricted weed seed in excess of tolerances allowed in the Kansas Seed Act. Mulching materials used on public rights-of-way should be free of noxious weeds and noxious weed seed.

Landowners and tenants should be authorized to conduct timely spraying and mowing to control noxious and other objectionable weeds and grasses on rights-of-way adjacent to their own land.

... this resolution was adopted by the Voting Delegates Representing 105 County Farm Bureaus at the 72nd Annual Meeting of Kansas Farm Bureau in Wichita, December 8, 1990.



"Service to County Government"

212 S.W. 7th Street
Topeka, Kansas 66603
(913) 233-2271
FAX (913) 233-4830

March 27, 1991

EXECUTIVE BOARD

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Marjory Scheufler
Edwards County Commissioner
R.R. 1, Box 76
Belpre, KS 67519
(316) 995-3973

Vice-President

Marion Cox
Wabaunsee County Sheriff
Wabaunsee County Courthouse
Alma, KS 66401
(913) 765-3303

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(316) 848-3717

Berneice "Bonnie" Gilmore
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Betty McBride
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Roy Patton
Harvey County Weed Director
(316) 283-1890

Gary Post
Seward County Appraiser
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Nancy Prawl
Brown County Register of Deeds
(913) 742-3741

Vernon Wendelken
Clay County Commissioner
(913) 461-5694

NACo Representative

Keith Devenney
Geary County Commissioner
(913) 238-7894

Executive Director

John T. Torbert

To: Representative Lee Hamm, Chairman
Members House Agriculture Committee

From: Bev Bradley, Deputy Director
Kansas Association of Counties

Re: SB 322 concerning noxious weeds

The Kansas Association of Counties has a convention adopted legislative policy which states, "The Kansas Association of Counties believes that noxious weed eradication should have a high priority with both state government and each of our 105 counties. We support the current system of cost share incentives and believe herbicides should continue to be available from county weed departments."

Our history has been to oppose legislation in which it is mandatory for counties to provide a program to supply chemical through chemical dealers on a discount basis. We still oppose such mandatory legislation.

We did not hear of a desire or need on the part of any county at the time our legislative policy statement was put together to provide the county option as described in SB 322. Therefore we have no adopted position on this issue.

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56 GALLON POLICY IS NOW HISTORY

At long last, the EPA no longer prohibits Dealers from repackaging less than 56 gallon of pesticides into mini-bulk containers. The new policy allows the refilling of approved pesticide containers that are greater than 56 gallon in size with ANY quantity of pesticide product. The Dealer must have an EPA establishment number certifying that he may repackage bulk and have a valid repackaging agreement with each registrant for whom he repackages. Containers must be cleaned according to manufacturer specifications between refilling and after seasonal use. IT IS VERY IMPORTANT THAT ALL CONTAINERS BE SPOTLESSLY CLEAN!

HS. AG.
3-27-91
ATTACHMENT 8

TESTIMONY

SENATE BILL NO. 322

HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

by

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

March 27, 1991

Last week, members of the Kansas State Board of Agriculture held their regularly scheduled quarterly meeting. During that time the Board reviewed the status of those bills currently moving through the legislative process which could potentially impact agriculture or agency programs. Two of the bills discussed were those before us this morning, Senate Bills 322 and 308. Following those discussions, the Board asked that I appear before you this morning to outline some of our thoughts.

To date, our agency has made no formal statement relative to S.B. 322, nor for that matter on S.B. 308. The basic reasons are twofold. First, in order to obtain a true assessment of the impact of the enactment of either bill, we would have to draw together the same conferees which you have before you this morning and undergo very similar deliberations. The detailed knowledge of chemical bids and chemical pricing structures to end users as well as abilities of county weed departments and chemical dealers to handle administrative management of cost share certificates are local matters which rest with the counties, county weed supervisors and chemical dealers. Secondly and quite frankly, the Board has received mixed signals from some county commissioners and chemical dealers relative to the cost share certificate issue.

From our perspective, the State Board of Agriculture would like to encourage committee examination of two areas which we believe critical. First, Will there be a cost differential between chemicals provided through the current system versus those provided through a certificate system? In other words, what impact will there be (if any) on the property owner? Secondly, If both S.B. 322 and S.B. 308 are enacted, will there be an impact upon county willingness or ability to cost share? S.B. 308 appears to remove the requirement for counties to cost share while S.B. 322 allows the county to have someone else furnish the chemical. Upon occasion we have felt the need upon occasion to encourage certain county commissioners into more actively pursuing the goals of the noxious weed law. Consequently, we are willing to entertain steps which will make their job easier, but not those which might be construed as an excuse to opt out of their statutorily assigned responsibilities.

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Our agency feels that chemical cost and the cost sharing inducement are extremely important to the success of the noxious weed control effort in Kansas. We would appreciate your consideration of these aspects during committee deliberations.