

Approved March 7, 1991
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Jim Allen at
Chairperson

10:07 a.m./~~p.m.~~ on March 5, 1991 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: John R. Ross, County Commissioner, Jewell County
Senator Janis Lee
Chris Wilson, Kansas Fertilizer and Chemical Assoc.
Mark Foster, President, County Weed Directors
Association of Kansas
Warren Beavers, President, Kansas Fertilizer and
Chemical Association, Hiawatha, KS
Mike Kleiber, Past President, Kansas Fertilizer
and Chemical Association, Hillsboro, KS
Melvin J. Steinlage, Crop Production Manager,
Nemaha County Co-op Assoc.
Kenny Keegen, County Commissioner, Nemaha County
Joe Lieber, Kansas Cooperative Council
Bill Fuller, Kansas Farm Bureau
Bev Bradley, Kansas Association of Counties

Senator Allen called the Committee to order and attention to SB 308.
The Chairman called on the following to testify for SB 308.

John Ross gave the Committee copies of his testimony (attachment 1)
and expressed support for SB 308 and requested the Committee recommend
passage.

Senator Lee requested the Committee act favorably on SB 308 so as
to provide flexibility for County Commissioners to be able to charge up
to 100% of the cost of chemicals no matter what mill levy had been levied.

Chris Wilson gave the Committee copies of her testimony (attachment 2)
and expressed support for SB 308.

Mark Foster provided copies of his testimony (attachment 3) and
expressed opposition to SB 308. Mr. Foster stated that the County Weed
Directors felt this was unnecessary legislation.

The Chairman declared the hearing closed for SB 308 and turned
attention to SB 322 and the following to testify as proponents.

Chris Wilson gave the Committee copies of a letter (attachment 4) of
support for SB 322 and then introduced the following to testify.

Warren Beavers provided copies of his testimony (attachment 5) and
requested favorable action by the Committee on SB 322.

Mike Kleiber expressed support for SB 322 and gave the Committee
copies of his testimony (attachment 6). Mr. Kleiber stated that the
Noxious Weed Law is important and that SB 322 will help with controlling
noxious weeds.

Ms. Wilson gave the Committee copies of a letter from Melvin Steinlage
who could not be present at this meeting (attachment 7). Mr. Steinlage
expressed support for SB 322 to help counties that desire to participate

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:07 a.m./~~p.m.~~ on March 5, 1991

in the proposal of SB 322.

Kenny Keegen expressed support for SB 322. Mr. Keegen stated that in the past some commissioners had opposed such legislation but that this proposal is for an optional program and commissioners are not opposed because they have the choice to participate or not to participate.

Joe Lieber gave the Committee copies of testimony (attachment 8) and expressed support for SB 322 and requested the Committee take favorable action also.

The Chairman called on the following opponents.

Mark Foster expressed opposition to SB 322; copies of the testimony were provided the Committee (attachment 9).

Bill Fuller gave the Committee copies of his testimony (attachment 10) and stated that it was felt that the proposed changes would reduce the effectiveness of the control of noxious weeds.

Bev Bradley expressed opposition to SB 322; copies of the testimony were provided the Committee (attachment 11).

The Chairman declared the hearing closed for SB 322 and called for action on Committee minutes.

Senator Frahm made a motion the minutes of March 4 be approved; seconded by Senator Lee; motion carried.

The Chairman announced the planned meeting for the following day to be cancelled and that the Committee would next meet on March 7 for action on bills heard; then the Chairman adjourned the Committee at 10:59 a.m.

GUEST LIST

COMMITTEE: Senate Agriculture

DATE: March 5, 1991

NAME	ADDRESS	ORGANIZATION
Kimberly Ramsey	Lawrence	Intern with Sen. Doyen.
John R. Ross	Manhato	Jewell Co. Commission
Karen Ross	Manhato	
Kenneth Keegan	Baldyville KS	Nemaha Co
Don Silvester	Beloit KS	Farmway Coop
Barton Ulesoy	Beloit KS	Farmway Coop
Wilhelm F. York	Andale KS	Andale Farmer Coop
Tom Tunnell	Joncha	Ks Grain and Feed Assoc.
Tracy Kantola	Topeka	CMFO
Veria Middleton	Jray, KS	DPCounty Convention Dist.
Margaret Kanel	Marion, Ks.	Brown Co. Com. Dist
Dale Lambley	Topeka, Ks	KSBA
William T. Scott	Topeka, Ks	KSBA
Riley Walters	Cassoday Ks.	CWDPAK
Joe Brink	Derby, Ks	C.W.D.A.K
Ray Patton	Newton, Ks	CWDPAK
Kravis Bruner	Topeka	Ks Co-op Council
Mike Kleber	Hillsboro	KFCA
Warren H. Blawie	Harrisonville	KFCA
Chris Wilson	Topeka	KECA

Senate Bill No. 308
March 5, 1991

I am John Ross, Jewell County Commissioner. Our county asked that KSA 2-1322 be changed so the counties would have the option to determine discounts on the sale of county chemical regardless of the mill levy in the budget for the Noxious Weed Department.

As I understand the law now, if the levy is not at the maximum allowed by law for the weed department, the chemical has to be sold at 50% to 75% of cost. If the maximum amount is levied, the chemical can be sold at 75% to 100% of cost.

Last year due to an oversight, our weed department budget was not at the maximum levy. As a result, we had to sell the chemical at 75% of cost. Not only did we use up the current tax money from the levy, but also almost all of the reserves for the department.

We did sell more chemical; however we still brought into court as many landowners for violations as in previous years. I do not believe cheap chemical is the total answer to the noxious weed problem. Cheap chemical generally leads to problems with the environment, liability, and with those retailers in the business.

I feel the County Commissioners, with the advice of the County Weed Director, should have the authority to set its levy at whatever level necessary with the options of discounts so we can develop our own county program for education, control and eradication of noxious weeds.

With the options available in SB #308, our county and others will have a little more flexibility in the budget process and in determining what we can do for our taxpayers and how we run our county.

Thank you,



John R. Ross
Jewell County Commissioner

Senate Agriculture Committee

3-5-91

attachment 1



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 SENATE AGRICULTURE COMMITTEE
SENATOR JIM ALLEN, CHAIRMAN

REGARDING S.B. 308

MARCH 5, 1991

Mr. Chairman and Members of the Committee, I am Chris Wilson, Director of Governmental Relations of the Kansas Fertilizer and Chemical Association (KFCA). Our approximately 550 members are involved in the application, retail, distribution and manufacture of crop protection chemicals and plant nutrients. We appreciate the opportunity to comment in support of S.B. 308.

This legislation simply gives more authority and latitude to county commissioners to manage their local noxious weed control programs. It would allow the county commissioners to determine what is in the best interests of their individual counties and to administer their programs accordingly.

We urge your support of S.B. 308. If you have any questions, I will be glad to respond.

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*Senate Agriculture Committee
3-5-91
attachment 2*

Mr Chairman and Committee Members:

The County Weed Directors Association of Kansas is opposed to Senate Bill 308. The wording of this bill is confusing to our association members. We are concerned that the language in this bill may be interpreted differently than it's authors intent with regard to the cost share rate relating to the money remaining in the budget at the end of the year.

We feel that this is a problem that needs to be dealt with at the local level and that legislation is unnecessary. The County Weed Directors Association urges you to vote against S.B. 308.

Senate agriculture Committee

3-5-91

attachment 3



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 66408

County Clerk:
Gayle Landoll
Phone 913-562-5381
Marysville, Kansas 66508

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

Phone 913-562-6381
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
DeWayne Lindquist, Chairman

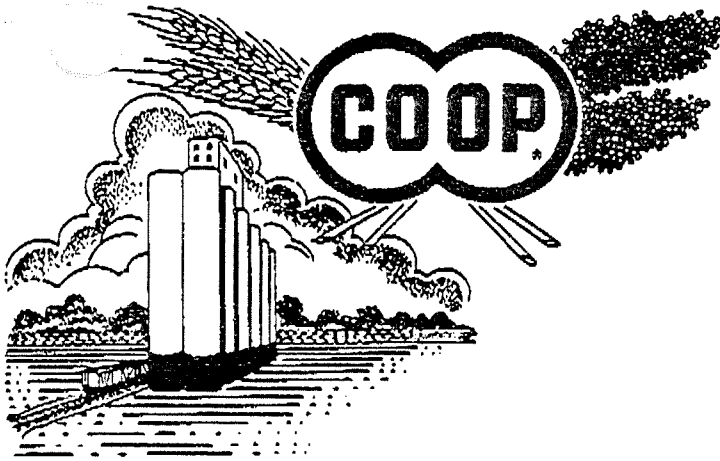
Harold Gurtler
Harold Gurtler, Member

Genie Long
Genie Long, Member

Senate agriculture committee

3-5-91

attachment 4

**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:

A handwritten signature in cursive script that reads "Larry L. Preuss".

Larry L. Preuss
Manager

Axtell Grain Company

Phone 736-2245

Clarence Wullschlegel, Mgr.

Axtell, Kansas 66403

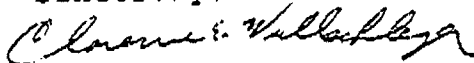
Kansas Senate
State Capital
Topeka, KS

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 Wullschlegel
Manager

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

In Kansas 800-332-0026 or 799-3321

March 2, 1991

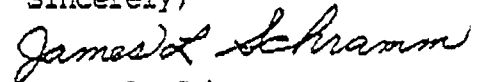
Sen. Jim Allen
 Chairperson
 Senate Agriculture Committee
 Topeka, Kansas

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



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 SENATE AGRICULTURE COMMITTEE
SENATOR JIM ALLEN, CHAIRPERSON

REGARDING S.B. 322

MARCH 5, 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

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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.

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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 MIKE KLEIBER
KANSAS FERTILIZER AND CHEMICAL ASSOCIATION
TO THE SENATE AGRICULTURE COMMITTEE
SENATOR JIM ALLEN, CHAIRMAN
REGARDING S.B. 322

MARCH 5, 1991

Mr. Chairman and Members of the Committee, I am Mike Kleiber, President of Ag Service, Inc. of Hillsboro, Kansas, and a Past President of the Kansas Fertilizer and Chemical Association. Thank you for allowing me to come before you today in support of S.B. 322.

I have served as Chairman of the KFCA committee working on the Kansas Noxious Weed Law for the past several years. We feel strongly that you have before you today a bill that is very workable for counties, landowners and dealers. This is purely a county option, providing a mechanism for counties to make the chemicals for noxious weed treatment available at local retail facilities. In some counties, there are excellent working relationships between the county commissioners, weed supervisors and chemical dealers. This legislation just allows them to work together to a greater degree for efficiency and mutual benefit.

S.B. 322 would allow the counties to reduce their liabilities for storage of chemicals and also in cases where

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there is a problem with efficacy of the chemical. It transfers those liabilities to local retailers who are in the business of accepting those liabilities on a daily basis. It would also reduce the amount of containers going to local landfills by allowing retailers handling chemicals in bulk to provide chemicals in mini-bulk containers rather than numerous plastic jugs.

For landowners, S.B. 322 will allow chemicals to be made available at a generally nearer location. It will also allow them to work with their dealers on a total weed control program. In some cases, chemicals will be less expensive than current county prices.

For weed supervisors, a program established under S.B. 322 would in no way threaten their jobs or responsibilities. All authority continues to rest with the weed supervisor for approving treatment of noxious weeds and purchase of chemicals. This bill would give them more flexibility in working with local dealers and landowners.

Again, this bill would be implemented only in those counties which are in a position to do so through their existing working relationships and at the discretion of the board of county commissioners.

We urge your favorable consideration of S.B. 322. If there are any questions, I will attempt to respond. Thank you for your consideration.

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NEMAHA COUNTY CO-OP ASSOCIATION

P. O. BOX 204

SENECA, KANSAS 66538

Phone: 913-336-6153

March 4, 1991

Dear Senator Montgomery,

Due to a previous engagement, I am unable to be present for the hearing on S.B. 322. However, I would like to express our feelings on amending the Noxious Weed law. If the bill were to be passed as written, it would give the county commissioners the authority to adopt a resolution if they so desired. The resolution would be to establish a program to control the eradication of noxious weeds by land owners through chemical dealers on a discount basis.

1. This would allow the county commissioners to keep the same program that is in effect now or they could issue discount certificates, prior to the chemicals being purchased.
2. If the discount certificate program were used there would be times that we, as a custom applicator, could have chemicals at a price that would be cheaper to the land owner than the current system in use. This would be possible because of quantities on hand and buying practices of dealers.
3. This could be a way to eliminate some containers that usually end up in the county landfill, as dealers would be handling many of these chemicals in bulk,
4. The discount certificate program, also might be able to reduce the county of some liability.

If there are some counties that would like to try this program, we would ask your support and pass S.B. 322 as amended. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Melvin J. Steinlage".

Melvin J. Steinlage
Crop Production Manager
Nemaha County Co-op Ass'n.

Senate agriculture committee

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attachment 7

Testimony on SB 322
Senate Agriculture Committee
March 5, 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.

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 other counties before they make a decision.

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

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attachment 8

Mr Chairman and Committee Members:

Two years ago legislation similar to Senate Bill 322 was introduced, but didn't make it thru committee hearings.

The County Weed Directors Association of Kansas is still opposed to such a change in the Kansas Noxious Weed Law.

We base our opposition on the fact that such a change will cost the Farmers more to treat their noxious weed problems, resulting in decreased control activity and an increase in the spread of noxious weeds, which is contrary to our goals.

Presently the system enables a farmer to purchase chemical from the County Noxious Weed Department at 50% to 75% of the cost incurred by the County. The Kansas noxious weed law requires that chemicals sold thru the cost share program be used only for noxious weed control. To insure compliance, a legal description and acreage infested with noxious weeds is required.

We see many potential problems in regulating the use of cost shared chemicals if they are sold at several different locations in a County.

Each landowner with a noxious weed problem will pay more to solve that problem if this legislation is passed.

The County Weed Directors Association appreciates this opportunity to speak to you on this matter and urges you to vote against Senate Bill 322.

County Weed Directors Assn. of Ks.
Mark Foster, President



Senate Agriculture Committee

3-5-91

attachment 9



PUBLIC POLICY STATEMENT

SENATE 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 5, 1991
Topeka, Kansas

Presented by:

Bill Fuller, Assistant Director
Public Affairs Division
Kansas Farm Bureau

Chairman Allen 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 concerns about 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 Department. ...

We believe the County Weed Department has an important

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attachment 10*

"regulatory" function 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.

While S.B. 322 is not as objectionable as other bills that were considered during earlier legislative sessions, we ask you to not approve the plan. 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. We will respond to any questions you may have. Thank you!



"Service to County Government"

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

March 5, 1991

EXECUTIVE BOARD

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Edwards County Commissioner
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Roy Patton
Harvey County Weed Director
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Gary Post
Seward County Appraiser
(316) 624-0211

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: Senator Jim Allen, Chairman
Members Senate 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.

Senate agriculture committee

3-5-91

attachment 11