

Approved: 1-30-96
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on January 25, 1996 in Room 423-S of the Capitol.

All members were present except: All members were present.

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

Conferees appearing before the committee:
George Teagarden, Livestock Commissioner
Allie Devine, Secretary, Kansas Department of Agriculture

Others attending: See attached list

Chairperson Corbin called on George Teagarden for some bill introductions. Mr. Teagarden asked that a bill be introduced concerning rabid mammals. A motion was made by Senator Clark to have the bill introduced. Senator Tillotson seconded the motion. Motion carried. Mr. Teagarden requested a bill be introduced concerning licenses fees for occasional livestock sales or issue licenses. A motion was made by Senator Morris to have the bill introduced. Senator Sallee seconded the motion.

Chairperson Corbin called on Secretary Devine for a briefing on the Kansas Department of Agriculture. Secretary Devine said they have prioritized the functions of the department in three areas and they are public health, safety, and consumer protection. She reviewed the reorganization of the department, mentioning why e had ask for the division of markets to be transferred to the Department of Commerce. The subject of Weights and Measures Inspection and Legislative Post Audit were addressed. Three bill summaries which are being introduced on the House side were reviewed. She responded to questions regarding the post audit report on weights and measures, and said the bills regarding that report would be introduced in the Legislative Post Audit Committee (Attachment 1).

The Committee discussed the ERO 26. Staff was instructed to distribute to each committee member information received from the Secretary of the Senate regarding the disposition of an ERO. Staff was instructed to draft a resolution to reject ERO 26.

The next meeting is scheduled for January 30, 1996. The meeting adjourned at 11:02 a.m.

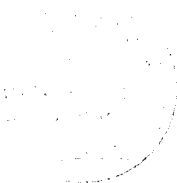
SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 1/25/96

NAME	REPRESENTING
Amy Truesel	Sen. Moran
Sharon Patnode	Leg. Post Audit
Tom PALACE	KOMA
Kerri Elert	KS Dairy Association
Diane Gruber	Ks Coop Council
Lee Eisenhauer	PMAC
DON SNODERASS	KANSAS FOOD DEALERS ASSN.
Gary M. Bothwell	Grain Inspection
Thomas E. Meyer	Grain INSPECTOR
Ren Scheibmeier	Grain Insp.
Marty Vaner	KS Ag Alliance
Jamie Clover Adams	KS Grain & Feed Assn
Carole Jordan	Dpt of Ag
Greg Tugman	Dpt of Ag
Alta Zinner	Dpt of Ag
Carol Swenlow	KDA
John Wyatt	Ko Farmers Union
Mike Beam	Ks LUSTK Assn.
Gordon Schmidt	Producer - lobbyist with Sen Dourney (Person 1)

STATE OF KANSAS

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KANSAS DEPARTMENT OF AGRICULTURE

BILL SUMMARY

Subject: General authority provision

Statute: K.S.A. 1994 Supp. 75-2935

Summary: This bill would give the Secretary of Agriculture authority to take action not explicitly authorized by statute but clearly necessary to carry out the duties of the office or fulfill the intent of statutes administered by the department.

Purpose: The statutory framework under which the Department of Agriculture is currently operating needs to be amended in certain instances to reflect the agency's shift from an advisory board to a full fledged, Cabinet-level department. One such amendment is the addition of a general authority provision as part of the powers and duties of the secretary. Similar provisions appear in the authorizing statutes of other state agencies, as illustrated by the following examples.

Department of Transportation

K.S.A. 68-404. Powers and duties of secretary of transportation. "...to perform such other acts and duties and exercise such authority as will give the provisions of this act and other laws relating to the secretary of the department of transportation full force and effect;..."

Department of Commerce

K.S.A. 74-5005. Powers and duties of department. "...to do other and further acts as shall be necessary and proper in fostering and promoting the industrial development and economic welfare of the state;..."

Department of Social and Rehabilitation Services

K.S.A. 39-708c. Powers and duties of secretary of social and rehabilitation services. "...The secretary shall perform any other duties and services necessary to carry out the purposes of this act and promote social welfare in the state of Kansas, not inconsistent with the state law."

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KANSAS DEPARTMENT OF AGRICULTURE

BILL SUMMARY

Subject: Interstate Pest Control Compact Authority

Statute: Plant Pest Act, K.S.A. 2-2112 et seq.

Summary: This legislation would authorize the Secretary of Agriculture to enter into agreements with private entities.

Purpose: KDA is seeking this expanded authority in order to become a signatory to the Interstate Pest Control Compact. Present statutory authority allows the Secretary of Agriculture to cooperate with units of local, state, and federal government to eradicate plant pests, but does not explicitly authorize cooperation with private organizations or associations.

Established in the 1960's, the Interstate Pest Compact is a cooperative agreement designed to detect, isolate, and control plant pest and disease problems at the earliest opportunity. Acting alone, an individual state may undertake necessary pest control activities, but cannot be certain similar steps will be taken to suppress infestations across its borders with neighboring states. Working within the Compact, member states conduct coordinated eradication efforts, thereby increasing overall effectiveness and saving money.

The Compact operates through an insurance fund which essentially allows states to purchase insurance against infestation from other states. Member states may apply to the fund for financial support of pest control or eradication activities within its borders. A state may also apply to control pests found in neighboring states which, if allowed to cross into its borders, would pose a threat to agricultural or forest crops.

Membership in the Compact will cost the state \$28,000, payable over six years at times and in amounts of the state's discretion. During this six-year period, the cost of membership will be offset in whole or in part by savings realized on state-funded eradication efforts. After the membership fee has been paid, membership in the Compact will provide cost savings.

At present, 25 states are Compact signatories and, as of August 1995, an additional 7 states were considering membership.

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KANSAS DEPARTMENT OF AGRICULTURE

BILL SUMMARY

Subject: Export certification fee increase

Statute: Plant Pest Act, K.S.A. 2-2112 et seq.

Summary: This bill would raise from \$5.00 to \$35.00 the fee charged by KDA's Plant Health Division for phytosanitary inspection certificates. It would also provide additional authority for future fee increases, if needed, by raising the cap that KDA can charge for such inspections from \$5.00 to \$100.00.

Purpose: The current \$5.00 certificate fee, which has remained constant since the mid-1960's, is no longer adequate to meet increased inspection demands generated by both the North American Free Trade Agreement and the General Agreement on Tariffs and Trade. Both of these international trade agreements allow importing countries to reserve the right to establish phytosanitary inspection standards for foreign commodities entering their borders.

To meet the resulting need for expanded certification, KDA will establish an additional field inspector position using revenue generated by the certification fee increase. The inspector will be responsible for ensuring that Kansas grain and commodity shipments meet the phytosanitary requirements of importing countries, thereby enhancing the marketability of Kansas grain and giving the state a competitive edge over those whose inspection systems are not similarly equipped.

The proposed fee level compares favorably to those of surrounding states, as illustrated by the attached table.

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KANSAS DEPARTMENT OF AGRICULTURE

PROPOSAL SUMMARY

Subject: Marketing and Promotion Function Consolidation

Summary: The proposal would transfer functions and personnel from KDA's Division of Marketing to the Kansas Department of Commerce and Housing (KDCH).

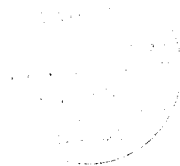
Purpose: Kansas industries and products receive marketing and promotion assistance from KDCH, with one exception. Agricultural products and commodities are promoted through KDA's Division of Marketing. Not surprisingly, KDCH and KDA duplicate numerous activities. Both agencies currently administer similar product promotion programs targeting similar markets. KDA's Land of Kansas and KDCH's Hands of Kansas programs are prime examples. The transfer will eliminate duplication of state services, saving taxpayers \$505,000 in state general funds.

The agricultural community can have confidence that KDCH will maintain and expand the strong agricultural marketing activities currently conducted by KDA's Division of Marketing. Agricultural promotion is not new to KDCH. The two agencies have a history of working together on joint projects using joint support personnel. Since 1990, 67 KDCH/KDA promotion projects have been conducted.

The transfer will enhance state-sponsored agricultural marketing efforts by integrating agricultural promotion into the broader state-wide promotion activities already conducted by KDCH. Combining the expertise of KDCH and KDA personnel to coordinate agricultural promotion activity with more comprehensive KDCH programs will provide the agricultural community greater visibility and access to domestic and international customers. For example, it makes sense to integrate KDA's live animal and grain promotion activities with KDCH's export promotion efforts in processed foods.

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KANSAS DEPARTMENT OF AGRICULTURE

PROPOSAL SUMMARY

Subject: Weights and Measures Inspection

Summary: The proposal is intended to return integrity and credibility to Kansas' weights and measures inspection program by establishing a statistically valid sampling program and improving inspector training.

History: Concerns over the integrity of Kansas' weights and measures program began to surface from a number of sources shortly after Secretary Devine took office in January 1995. In February, weights and measures staff expressed much dissatisfaction with program procedures and administration during interviews conducted by a staff member with the office of the governor.

In May, officials from USDA's Packers and Stockyards Administration (PSA) office in Kansas City expressed concern about the veracity of the state's inspection program. Results of random livestock scale tests conducted by PSA showed eight of 14 scales tested were out of compliance despite recently having been tested and approved by private service companies.

The Secretary requested the State Division of Personnel to conduct an internal review of the program. The personnel study, presented June 12, confirmed many of the same concerns expressed earlier to the Secretary.

In June, a representative of the Petroleum Marketers Association conveyed to the Secretary his industry's concern about privatization of petroleum device inspections and its support for returning to a state program.

The Secretary contacted Attorney General Stovall about these program concerns. At the Attorney General's direction, a KBI investigation was ordered. The findings, released in December, showed no evidence of criminal behavior but listed recommendations for improved operations of the program.

In September, Legislative Post Audit began a K-GOAL audit of weights and measures.

Action: The Secretary requested a KBI investigation, the results of which were announced in December 1995. The Secretary also requested a program audit by Legislative Post-Audit Committee.

Research of proposed petroleum measurement regulations and a proposed memorandum of understanding with the Department of Revenue is underway.

Through a series of meetings, discussions, and correspondence with service companies, the Secretary revoked informal "gentlemen's agreements" and underscored KDA's commitment to enforcing weights and measures law, rules and regulations, and National Institute of Standards and Technology (NIST) handbooks and tolerances. For example, KDA is enforcing requirements for submission of service company reports to KDA within 10 days.

Meetings were held with industry groups informing them of changes from past practices. Similarly, meetings were conducted with field staff instructing them to enforce the law, including taking devices out of service if necessary.

Compliance conferences are being scheduled as necessary and are being conducted by agency legal staff.

KDA's device and facilities data base is being updated. Statistically defensible sampling plans have been developed for each subprogram. Baseline compliance data is being collected through actual field testing of devices.

Experts in other state programs, as well as at NIST, have been consulted. Engineers with of the Department of Energy's Kansas City Plant, operated by AlliedSignal, have assisted KDA in a systems analysis of the weights and measures program, including failure/effects and trend analyses.

Input on program improvements has been sought from KDA field staff. Meetings were also held with service companies and device owners to formulate reforms.

Statutory changes and corrective measures have been proposed and approved by the Governor's Agriculture Advisory Board.

Proposal:

KDA will require registration of all devices. Efficient ways of registering will be explored, including telephone registration and use of other state agency scale databases.

The agency will attempt to remove conflicts of interest. Service company technicians will still conduct annual testing of devices. State inspectors

then will do the actual enforcement action of tagging out-of-compliance devices.

Inspector education and testing requirements will be improved. Private company technicians who calibrate devices will attend educational seminars covering all aspects of device testing, as well as National Institute of Standards and Technology handbooks.

The agency will seek civil penalty authority to fine scale owners and service companies in violation of statutes and regulations.

The head house scale program will be transferred to the Department of Grain Inspection.

The agency will seek ways to provide meaningful fuel quality testing.

In addition to the outlined changes, KDA will institute statistical testing as a part of the permanent work plan for the weights and measures program. Statistical testing will provide meaningful data on device accuracy and service company performance.

The Governor's Water Quality Plan For The Kansas - Lower Republican Basin

A Brief Overview and Highlights

Cooperating Agencies
Kansas Department of Health and Environment
Kansas Department of Agriculture
Kansas Department of Wildlife and Parks
Kansas Water Office
State Conservation Commission
Kansas State University



January 1996

The Governor's Water Quality Plan For The Kansas-Lower Republican Basin



In October 19, 1995, Governor Bill Graves announced a multi-agency initiative designed to protect and restore the quality of Kansas surface waters. Initial efforts will be concentrated in the Kansas-Lower Republican Basin, an area that stretches across 10,500 square miles of north-central and northeast Kansas.

Currently in its planning stages, the pilot plan will redouble monitoring and water sampling efforts and use the combined resources of state agencies, industry, municipalities and agriculture to reduce levels of principal pollutants in the basin.

Targets of the Plan are the three major pollutants in the drainage area: sediments, the crop herbicide atrazine and the fecal coliform bacteria found in human and animal waste.

Under the plan, prevention and remediation efforts are to be targeted so as to concentrate state resources on the three priority pollutants and within those restricted geographic settings which are producing disproportionate loads of these pollutants.

State agencies cooperating in the effort are the Kansas Department of Agriculture (KDA), Kansas Department of Health and Environment (KDHE), State Conservation Commission (SCC), Kansas Department of Wildlife and Parks (KDWP) and the Kansas Water Office (KWO). Kansas State University will also be participating extensively in the Plan and dialogue has begun with researchers at both Kansas State and Kansas University. To the extent possible, the most up-to-date information will be used to shape the Plan and design prevention methods.

The Governor's Plan is incentive-based, relying on local voluntary efforts, enhanced public awareness, technical and financial assistance and appropriate monitoring and evaluation of programs, practices, participation and pollutants.

The Plan is also to be designed such that related industries, associations and property owners are made partners in the planning and conduct of programs.

The task set out in this Plan will not be small. The Kansas-Lower Republican River Basin cuts through 23 Kansas counties, from the Nebraska line in Republic County to Johnson County on the Missouri border.

Water quality data indicate that the Delaware River, Big Blue River and the Kansas River mainstem

corridor (Junction City to Kansas City) contribute the highest levels of contaminants, and, thus, will be the focus of attention in the initial stages of the Water Quality Plan.

Governor Graves told attendees at the recent Kansas Conference on the Environment that he is hopeful voluntary participation will succeed where regulatory objectives have failed. "Government cannot and will not solve our water-quality problems alone," he said.

The Governor's Water Quality Plan For The Kansas-Lower Republican Basin

On-Going Activities as of January 19, 1996

1. DELAWARE RIVER SUBBASIN ACTIVITIES

- Kansas Department of Agriculture will take the lead on activities, as a follow up to the Pesticide Management Area.

- Kansas State Extension has been visiting agriculture producers, offering planning assistance on atrazine applications prior to the 1996 growing season. Kansas Corn and Grain Sorghum Growers Association has been providing educational programs in the subbasin with the Kansas Department of Agriculture and Kansas State University Extension Service.

- Kansas Department of Health and Environment has located seven monitoring sites within the Grasshopper Creek Watershed, the initial area of emphasis within the Delaware Subbasin, for biweekly sampling of atrazine, total suspended solids and fecal coliform bacteria, along with other water quality constituents.

- State Conservation Commission, Kansas State University and Kansas Department of Agriculture are developing an expanded incentive program to cost share atrazine management practices in the watershed.

- Area pesticide dealers are working with Kansas State University to deliver

consistent messages regarding pesticide use and pollution prevention.

- Local watershed and non-point source pollution plans are being reviewed to develop the big picture on accomplishments in the subbasin and upcoming activities.

- Kansas Department of Agriculture is sending updated information to local people in the subbasin of ongoing monitoring efforts and water quality management resulting from the Governor's Plan.

2. BLUE RIVER SUBBASIN ACTIVITIES

- Kansas Water Office will take the lead on activities, commencing with strategic planning on water quality protection in the subbasin with partners, including the Kansas Farm Bureau, the Kansas Livestock Association, Conservation Districts, county health departments, grain associations and the Kansas Land Trust.

- Two town meetings will be held in the subbasin in February to inform the local users of this Water Quality Plan and to seek local leadership to guide protection efforts and establish subbasin priorities for water quality management.

- Kansas Corn Growers Association has received an EPA 319 Grant for \$30,000 to introduce pesticide

management techniques into the subbasin

- Kansas Department of Health and Environment has located seven monitoring sites within the Black Vermillion River Watershed, the initial area of emphasis within the Blue Subbasin, for biweekly sampling of fecal coliform bacteria, atrazine and total suspended solids, along with other water quality constituents.

- Kansas Water Office will make available water quality planning grants to assist local leaders in the subbasin with developing and implementing strategies for water quality improvement in priority watersheds.

- State Conservation Commission is targeting non-point source pollution control funds for livestock waste management projects within the Black Vermillion, with the assistance of the Marshall and Nemaha Conservation Districts and the Kansas Livestock Association.

- Work is continuing between the Kansas Department of Agriculture and the Nebraska Department of Agriculture on surveying farming practices within the Big Blue River Basin.

3. KANSAS RIVER MAINSTEM ACTIVITIES

- Kansas Department of Health and Environment will take the lead on activities, following up on ongoing discussion of water quality protection, such as wastewater disinfection with the numerous point sources along the

mainstem of the river, particularly the major cities.

- Kansas Department of Agriculture and Kansas Department of Wildlife and Parks are collaborating on a series of Public Service Announcements pertaining to appropriate lawn chemical use in urban settings.

- Kansas Department of Health and Environment has initiated biweekly sampling of the Kansas River at all bridge crossings between Junction City and Kansas City, monitoring the primary pollutants of atrazine, total suspended solids and fecal coliform bacteria, in addition to other water quality constituents.

- Kansas Department of Health and Environment has designated the Kansas-Lower Republican Basin as a priority consideration in loans from the State Revolving Loan Fund for wastewater improvements. Projects are planned for Topeka, Kansas City, Lawrence, Manhattan, Junction City, Wamego and Johnson County.

- Municipalities are offering assistance and cooperation on water quality studies on the river, including bacteria dieoff and stormwater impacts.

4. OVERALL ACTIVITIES

- Partnerships with private associations are being developed, notably a coalition of agricultural and urban turf maintenance groups assisting in watershed protection and public outreach.

- Kansas Department of Wildlife and Parks is coordinating biological monitoring with the efforts of Kansas Department of Health and Environment. Program delivery on riparian management is being coordinated with the State Conservation Commission.

- The state has sought the return of the U.S. Geological Survey National Ambient Water Quality Assessment Program for the Kansas Basin in federal Fiscal Year 1997.

- Kansas Department of Commerce and Housing has placed additional priority on Community Development Block Grants for sewer projects in the Kansas-Lower Republican Basin.

- Kansas Water Office is contracting with the Kansas Geographic Alliance at Kansas State for educational outreach, including conducting a series of Water Festivals in 1997.

- Kansas Water Office is using Geographic Information System technology to develop subbasin atlases for targeting work on water quality planning and implementation and information exchange with local users.

- State Conservation Commission is pursuing development of Digital Orthophotography with the Natural Resources Conservation Service for the Kansas-Lower Republican Basin.

- State Water Plan Funds are being directed to programs and areas of emphasis which will further implement this Water Quality Plan.

**STATE WATER PLAN FUNDS ANTICIPATED FOR USE IN THE GOVERNOR'S
WATER QUALITY PLAN FOR THE KANSAS-LOWER REPUBLICAN BASIN**

FISCAL YEAR 1996

KANSAS WATER OFFICE	\$453,543
Education, Planning Assistance and Basin Assessment	\$109,500
State Conservation Commission- Non-Point Source Pollution Program	\$200,000
Kansas Department of Health and Environment-LEPP	\$100,000
Kansas Department of Agriculture-Pesticide Survey	\$ 44,000
 KANSAS DEPARTMENT OF WILDLIFE AND PARKS-Biological Monitoring .	 \$ 78,900
 TOTAL	 \$532,443

FISCAL YEAR 1997

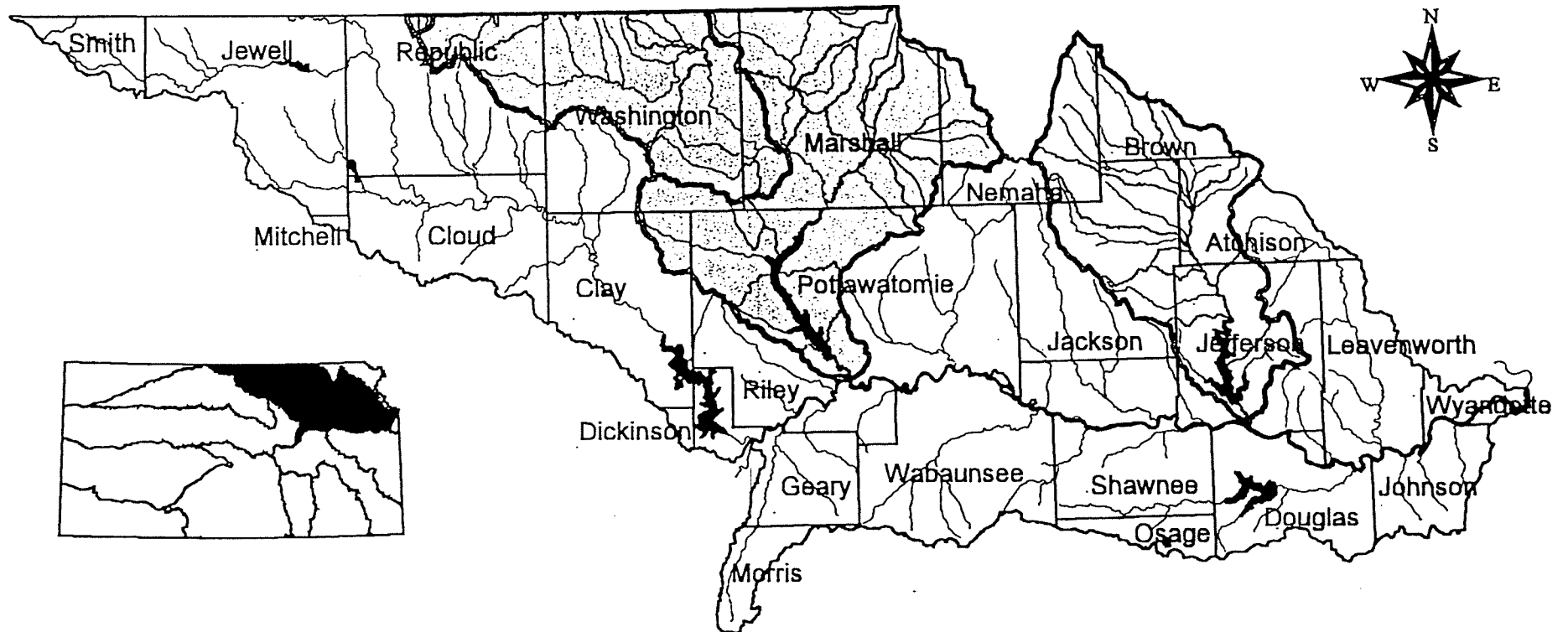
KANSAS WATER OFFICE	\$ 40,000
Planning Assistance	\$ 20,000
Basin Assessment	\$ 20,000
 KANSAS DEPARTMENT OF AGRICULTURE	
Pesticide Survey	\$ 20,000
 KANSAS DEPARTMENT OF WILDLIFE AND PARKS	
Conservation Easements	\$ 75,000
 KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT	 \$400,000
Non-Point Source Pollution Technical Assistance	\$300,000
Local Environmental Protection Program Target Grants	\$100,000
 STATE CONSERVATION COMMISSION	 \$1,630,000
Water Resources Cost-Share Program	\$1,000,000
Non-Point Source Pollution Control Program	\$ 600,000
Riparian Protection Program	\$ 30,000
 TOTAL	 \$2,165,000

Other funds which will be used in this effort are EPA 319 Grants (est. \$325,000) and the State Revolving Loan Fund for wastewater (est. \$20 million). Kansas State University is providing \$31,000 for the Delaware planning assistance.

GOVERNOR'S WATER QUALITY PLAN

Kansas - Lower Republican Basin

Priority Areas





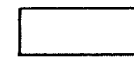

DATA SOURCES:

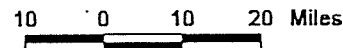
Basin Boundaries - KWO/NRCS
 Political Boundaries - KGS/KCDB
 Hydrology Features - EPA River Reach 1 File

Governor's Water Quality Plan, January 1996

This map intended for planning purposes only.

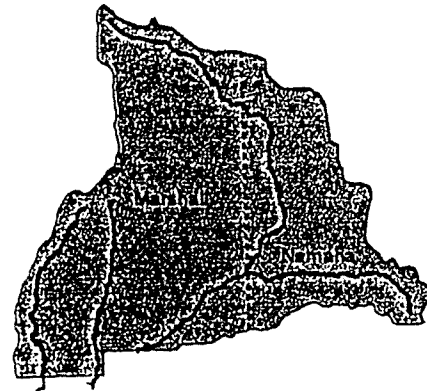
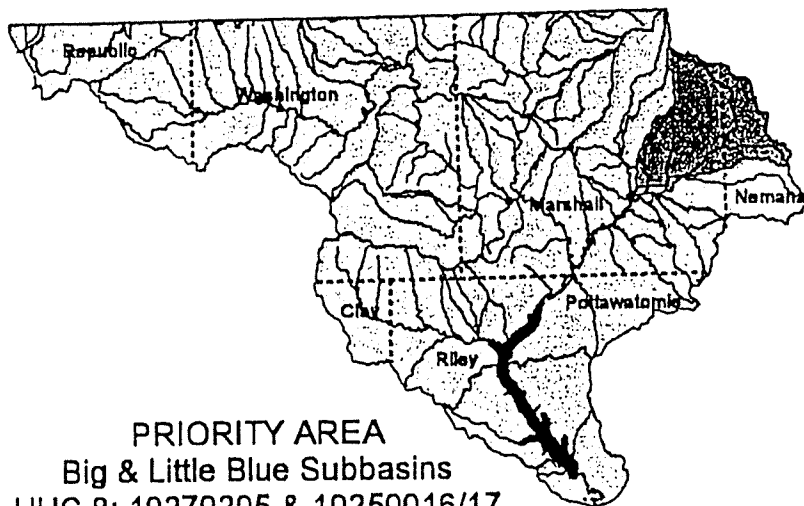
LEGEND

-  Kansas River
-  Big & Little Blue River Basins (Tuttle Drainage)
-  Delaware River Basin (Perry Drainage)
-  HUC 11 Boundaries



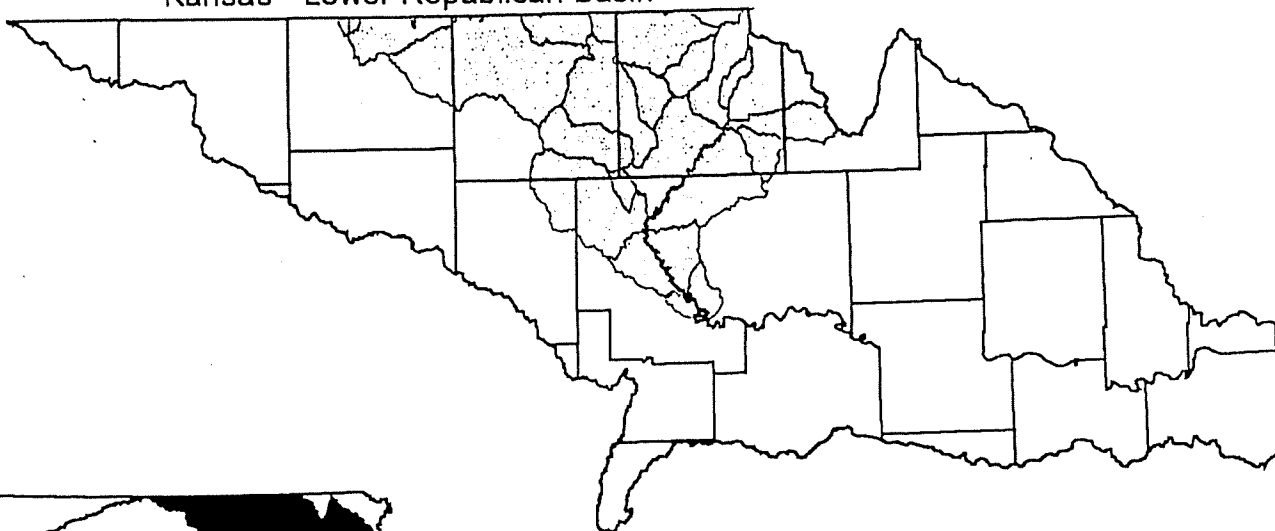
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Governor's Water Quality Plan Priority and Target Areas

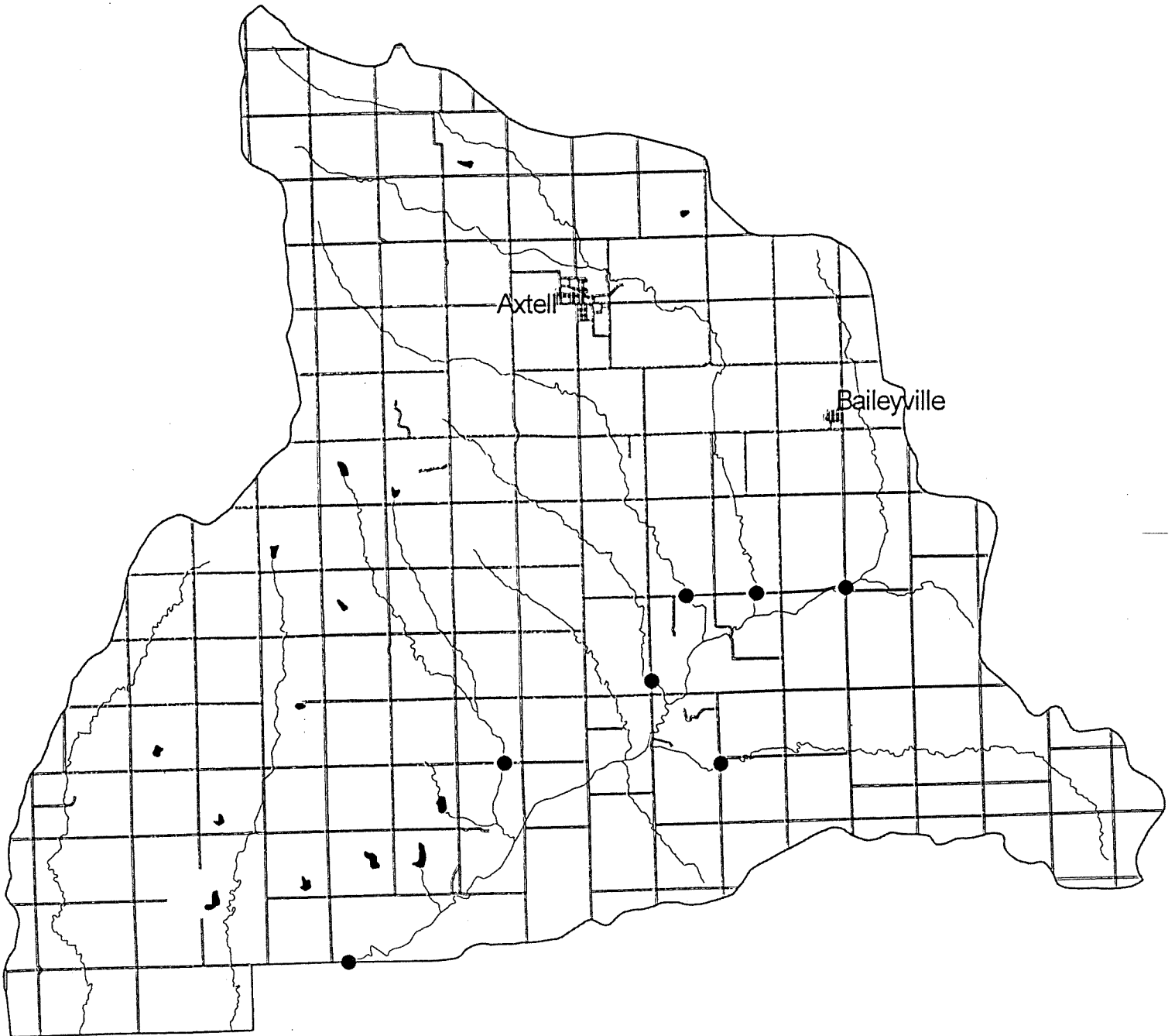


TARGETED WATERSHED
Black Vermillion River
HUC 11: 10270205090

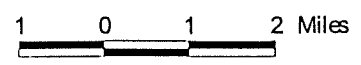
Kansas - Lower Republican Basin



BLACK VERMILLION Monitoring Sites



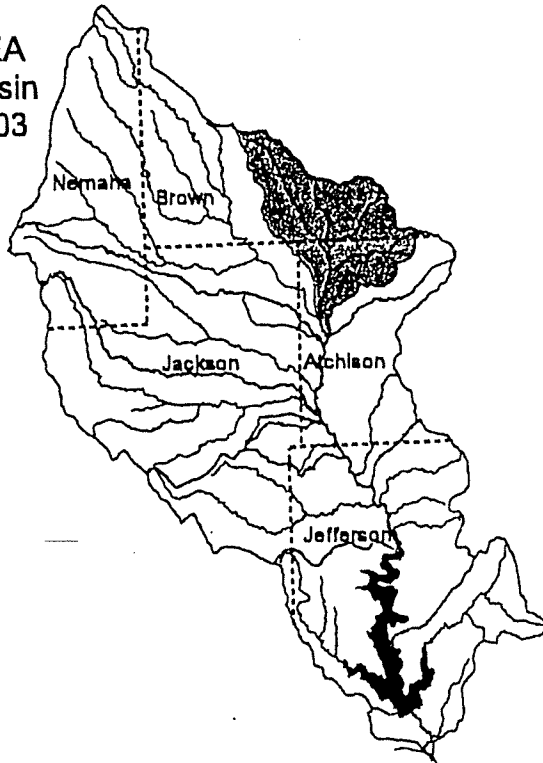
- Monitoring Site
- ⚡ Roads
- ⚡ Hydrology
- ⚡ HUC 11 Boundary



1-16

Governor's Water Quality Plan Priority and Target Areas

PRIORITY AREA
Delaware Subbasin
HUC 8: 10270103

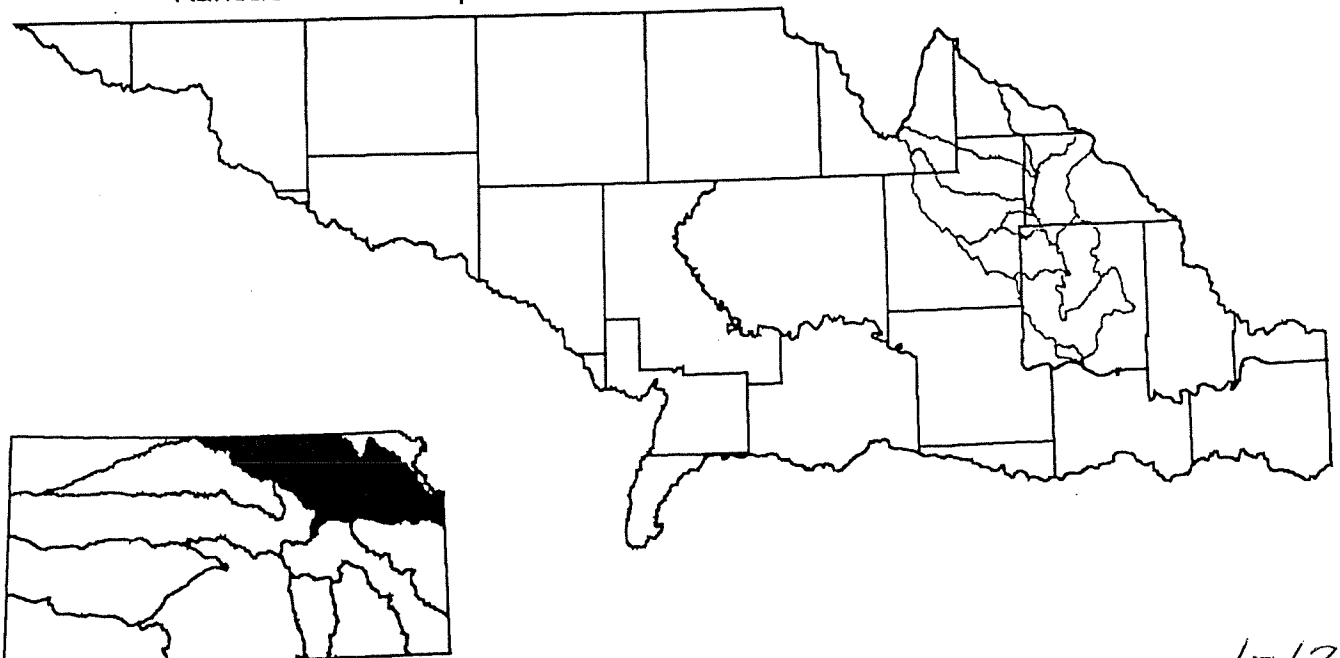


Jackson

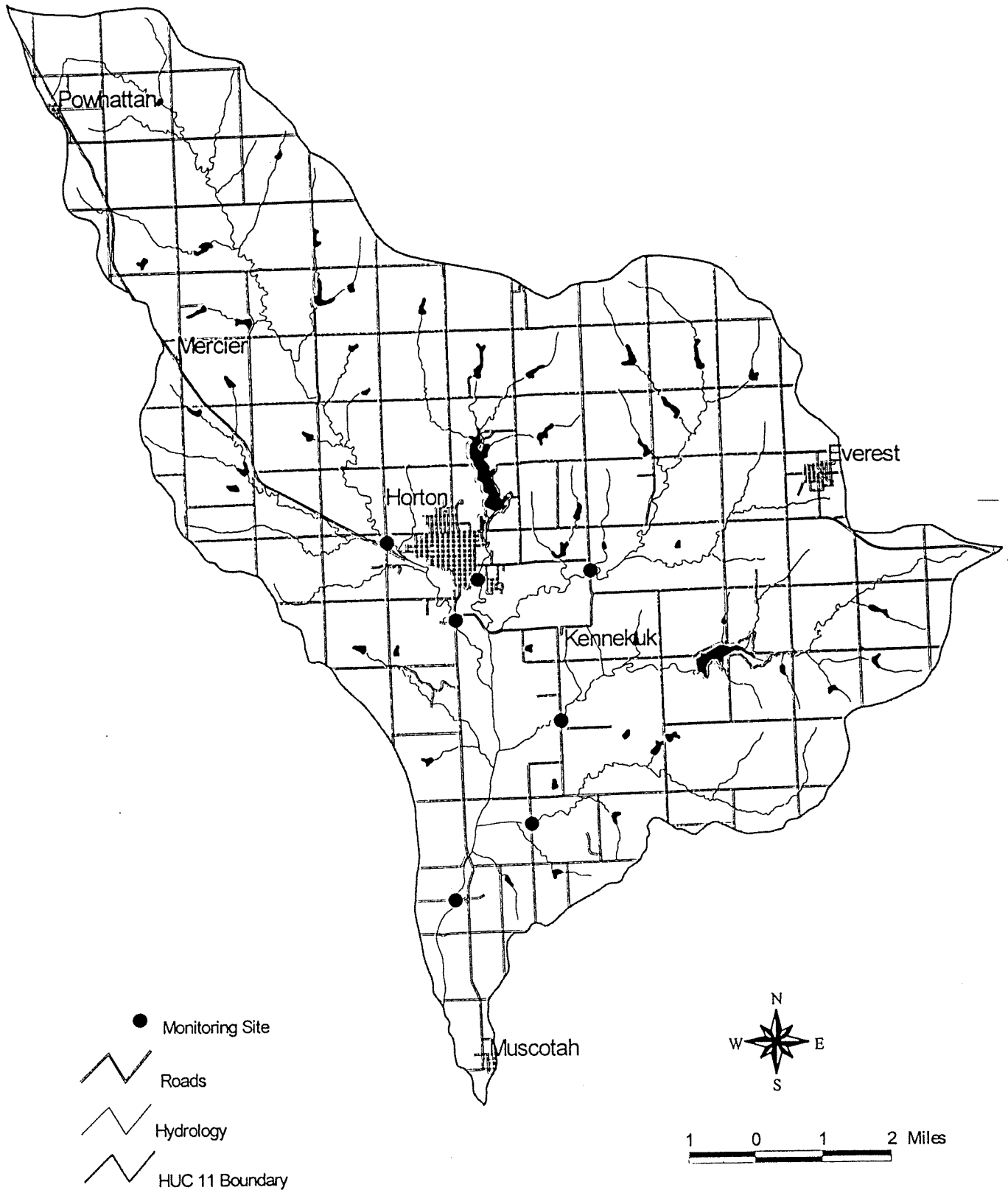
TARGETED WATERSHED
Grasshopper Creek Watershed
HUC 11: 10270103020



Kansas - Lower Republican Basin



GRASSHOPPER CREEK Monitoring Sites



Kansas Department of Agriculture

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January 1996

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