

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:40 a.m. on February 15, 2011, in Room 159-S of the Capitol.

All members were present except:

Steve Morris - excused

Committee staff present:

Tamera Lawrence, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Heather O'Hara, Kansas Legislative Research Department
Laura Younker, Kansas Legislative Research Department
Judy Seitz, Committee Assistant

Conferees appearing before the Committee:

Rod Winkler, Conservation Program Specialist, United States Department of Agriculture (USDA),
Kansas FSA State Office
Randy Stookey, Staff Legal Counsel, Kansas Department of Agriculture (KDA)
Leslie Kaufman, President/CEO, Kansas Cooperative Council (KCC)

Others attending:

See attached list.

Chairman Taddiken welcomed Senator Allen Schmidt as a new Committee member. He was elected to take the seat of former Senator Janis Lee.

Chairman Taddiken welcomed the Kansas Livestock Association's Young Stockman's Academy to the Committee and asked each member of the academy to state their name and home town.

Senator Teichman made a motion to approve the February 3, 7 and 8 minutes. Motion seconded by Senator Abrams. Motion passed.

Heather O'Hara, Kansas Legislative Research Department, distributed information as a follow-up to the January 25, 2011, joint meeting of the Senate Agriculture Committee, Senate Natural Resources Committee and the House Agriculture and Natural Resources Committee. (Attachment 1)

Rod Winkler, Conservation Program Specialist, United States Department of Agriculture (USDA) Kansas FSA State Office, presented information on the Conservation Reserve Program (CRP) and specifically enrollments. (Attachment 2) There are three main components to the CRP program: general enrollments – typically larger fields; continuous enrollment – small acreages and buffer strips with a focus on water quality and wildlife habitat. Mr. Winkler said that there are 29 million acres of cropland in the state with 2.7 million acres enrolled in CRP. He noted that one of the maps in his handout is color coded to show the expiration years for CRP. Another map shows the number of CRP enrolled acres for each county.

Mr. Winkler took questions from the Committee.

Chairman Taddiken opened the hearing on **SB 186 – Pesticides; hearing prior to denial, suspension or revocation of license, registration or certification.**

Tamera Lawrence, Office of the Revisor of Statutes, reviewed **SB 186**. She said this bill amends K.S.A. 2-2451 of the Kansas pesticide law. Last year K.S.A. 2-2449 and K.S.A. 2-2450 were amended and conflicts with K.S.A. 2-2451. **SB 186** provides an opportunity for a hearing and previously a hearing was required.

Randy Stookey, Staff Attorney, Kansas Department of Agriculture (KDA), appeared in support of **SB 186** (Attachment 3). He offered to stand for questions.

CONTINUATION SHEET

Minutes of the Senate Agriculture Committee at 8:30 a.m. on February 15, 2011, in Room 159-S of the Capitol.

Leslie Kaufman, President/CEO, Kansas Cooperative Council (KCC), appeared on behalf of the KCC and the Kansas Agribusiness Retailers Associations (KARA) in support of **SB 186** with a proposed amendment to the bill (Attachment 4). This amendment would provide for the Secretary of Agriculture's authority to suspend licenses permissive and not mandatory.

Ms. Kaufman took questions from the Committee.

Chairman Taddiken closed the hearing on **SB 186**.

Senator Ostmeyer made a motion to accept the proposed amendment; seconded by Senator Love. Motion carried.

Senator Ostmeyer made a motion to pass **SB 186** with amendments. Motion seconded by Senator Francisco. Motion carried.

Chairman Taddiken noted that **Executive Reorganization Order (ERO) No. 40 - Transferring the Agriculture Products Development Division within the Department of Commerce to the Department of Agriculture and renaming the Marketing and Promotions Program; consolidating the Kansas Animal Health Department and the Livestock Commissioner within the Department of Agriculture as the Animal Health Division; consolidating the State Conservation Commission within the Department of Agriculture as the Conservation Division** has been referred to this Committee. He said that his intent is not to hold hearings on **ERO No. 40**. Several years ago this Committee held extensive hearings on a bill that would have merged the Animal Health Department and the State Conservation Commission into the Kansas Department of Agriculture. Staff will prepare an overview of testimony that was presented during those hearings.

The next meeting is scheduled for February 16, 2011.

The meeting was adjourned at 9:18 a.m.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: February 15, 2011

NAME	REPRESENTING
Bob Winkler	USDA - FSA
Anthony Rauh	KLA
Kendra Riley	KLA
Karaline Mayer	KLA
Jennifer Wellnitz	KLA
Carlie Spiker	KLA
Austin Cline	KLA
Eric Glee	KLA
Hattie Yungmans	KLA
Abe Shanholtzer	KLA
Daniel Mushrush	KLA
Clay Wilson	KLA
Zody Palen	KLA
Brock Miller	KLA
Chelsea Good	KLA
Jessica Gert	KLA
Randy Hiesterman	KLA
Randy Storky	KLA
Raymond Sprout	KLA

Zach Conine	KLA
Ashley Judd	KLA
Cade Rensink	KLA
Paul Johnson	Ks. Rural Center

Ryan Higbie

Gary Meyer

Katie Howard

Leslie Kaufman

John A. Donley

Sean Miller

Paje Routhier

KLA

KDA

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February 14, 2011

To: Senate Committee on Agriculture

From: Heather O'Hara, Principal Analyst

Re: Follow-up Information on the Conservation Reserve Program (CRP)

During the January 25, 2011, joint meeting of the Senate Committee on Agriculture, Senate Committee on Natural Resources, and House Committee on Agriculture and Natural Resources, Dr. Gary Pierzynski, Interim Dean of the College of Agriculture and Interim Director of K-State Research and Extension for Kansas Statute University, presented the 2011 edition of *An Informal Report to the Kansas Legislature*.

On page seven of the report, a statement regarding the Conservation Reserve Program (CRP) was included, which stated:

"CRP Conversion Studies. Western Kansas researchers are looking at options for land that has been enrolled in USDA's Conservation Reserve Program (CRP). Converting the land to grain crop production or perennial grasses for energy could affect soil quality, soil carbon sequestration, and water and wind erosion."

Upon the presentation of this information, Senator Teichman asked Dr. Pierzynski for further information regarding what the university has accomplished with regard to this statement, particularly what information has been shared with producers. In addition, Senator Teichman asked for an update on the CRP in Western Kansas. Dr. Pierzynski and his staff spoke with several staff members who closely work with the CRP in Western Kansas. The responses our office received with regard to Senator Teichman's first question are as follows:

**Justin W. Waggoner, Beef Systems Specialist, K-State Research
and Extension, Garden City, Kansas:**

"Several extension meetings were held in the Southwest area last fall that addressed the upcoming expiration of CRP in Kansas. These meetings involved [several people]. The topics addressed included the conversion of CRP to cropland, haying and grazing CRP and the current policy outlook and economic value/cost associated with grazing, hay, or crop production for expiring acres. Additionally, the topic of CRP land use is an on-going topic that we continue to address at meetings across the state."

Senate Agriculture Committee
2-15-11
Attachment 1

**Alan Schlegel, Professor and Researcher, Southwest
Research Extension Center, Tribune, Kansas:**

"I participated in a number of extension meetings last winter discussing converting CRP to cropland. The information was based on research done at Tribune in the mid-90s. There were several field day reports done at that time (contained in 1997 and 1998 SWREC Field Day ROP) but no journal articles. More recently, Steve Watson in Agronomy put together several items for the E-Updates (#178 and #241) concerning converting CRP to crop production.

In brief summary, my earlier work showed that CRP land could be converted to crop production using either no-till or tillage. Burning or mowing of the old residue did not seem to have much effect for the short grass CRP in this area (this may not be the case with taller residue). If using tillage, it took several operations to kill the grass and develop a suitable seedbed.

For no-till, glyphosate was used to kill the grass but it required higher rates and several applications (over a two-year period). If the first crop was a warm-season crop, it would be preferable if it was RR-Ready to allow glyphosate applications in-crop. In Western Kansas, the soil water content is critical and low following CRP. This requires a period of time (fallow) and/or favorable rainfall to recharge soil water to better grow a crop. Residual soil N[itrogen] is very low in CRP and the first crop (if not a legume) will probably respond to higher than normal N[itrogen] fertilization rates. This was the information presented at the extension meetings."

**Walt Fick, Associate Professor, Range Management,
Department of Agronomy, Manhattan, Kansas:**

Professor Fick provided a copy of the April 23, 2010, edition of *Agronomy e-Update*, which is the regular weekly publication from K-State Extension Agronomy. Professor Fick recommends Article Two, which begins on page two of the publication. The publication is included with this memorandum.

In response to Senator Teichman's second question regarding an update on the CRP in Western Kansas, an official from the Farm Service Administration (FSA) Office in Manhattan has been scheduled to present this information to the Senate Committee on Agriculture on Tuesday, February 15, 2011, at 8:30 a.m.

Should any member of the committee require further information on these topics, please do not hesitate to contact me. My e-mail is Heather.OHara@klrd.ks.gov and my direct office phone number is (785) 296-7792.

Enclosure

HO/ml

k-state
extension

AGRONOMY e-Updates

Number 241
April 23, 2010

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1. Wheat disease update: Stripe rust on the move in Kansas

Stripe rust was observed in North Central Kansas earlier this week. The disease was found at low levels in research plots near Belleville and was present in the varieties Jagalene, Jagger, and Santa Fe. The size of the lesions and position in the canopy suggests that the inoculum resulting in these infections likely arrive 3 to 4 weeks ago. Wheat at this location was at the end of jointing with flag leaves emerging over the next week to 10 days. This is the first report of stripe rust in Kansas for 2010.

Since this initial report, low levels of stripe rust have also found near Hays and Manhattan. These additional finds suggest that stripe rust is established at low levels in many areas of north central and northeast Kansas.

Leaf rust was observed in Reno, Cowley, and Ellis county Kansas during the last 7 days. The disease is still at low levels in all reports. Powdery mildew and tan spot were also active in many fields.

Bob Hunger, Plant Pathologist at Oklahoma State University, is also reporting leaf rust and stripe rust near Stillwater, OK.

What do these reports mean for Kansas?

These reports of multiple disease threats are important for wheat producers in Kansas. All evidence to date suggests that stripe rust, leaf rust, and other diseases are likely reach levels that can be damaging to wheat yields. The biggest threat to may come from stripe rust because variants of this fungus have emerged that can overcome the resistance of some widely grown cultivars in the state, including Fuller, Santa Fe, Overley, PostRock, Jagalene, and Jagger. All of these varieties should now be considered susceptible to stripe rust.

Research suggests that the best time to apply a foliar fungicide to wheat is between flag leaf emergence and anthesis (flowering). Most product labels will prevent application to wheat that has reached the fully headed or flowering stages of growth. Wheat in many parts of the state will be at critical growth stages during the next few weeks.

Wheat in southern Kansas is now at flag leaf emergence and some fields may already be in the boot stage of growth. Wheat in central Kansas will likely reach these stages during the next week. Wheat in northern Kansas appears to be jointing but has not yet reached the flag leaf emergence. The prognosis for western Kansas is mixed. The stripe resistance in TAM 111, one of the most common varieties in this region, has been holding in Texas. However, the TAM 112 is known to be susceptible to stripe rust and is showing severe disease in research plots in Texas. Growers with TAM 112 or the varieties mentioned above should be carefully monitoring their fields for signs of stripe rust. Both TAM 111 and TAM 112 are susceptible to leaf rust.

The current weather forecast for this region includes temperatures near the 70 F and scattered showers. Growers should be on alert for potential development of stripe rust and other diseases in their fields, and be ready to apply a fungicide if warranted. Finding even low levels of stripe rust or leaf rust prior to flag leaf emergence is cause for concern.

Fungicide decisions

The average yield response to fungicides is approximately 10%, but can exceed 20% when disease becomes established early. The decision to apply may rest on price of grain. With the price of wheat hovering around \$4, the price of the fungicide will strongly influence the decision to spray for disease control. Seed production fields should be a top priority.

Fungicide costs this spring ranged from \$4 to \$20 per acre depending on the product choice and rate. Nearly all fungicides currently marketed in Kansas provide very good to excellent control of leaf rust and stripe rust. Folicur and generic forms of tebuconazole will be the least-cost option where available. The choice of fungicide is more important when stripe rust is already present in a field because this fungus has the potential to spread systemically within a leaf. Products containing a triazole fungicide, or pre-mix of a triazole with a strobilurin, are the best option when stripe rust is present in a field because these products are known to have stronger curative activity. More details on fungicide products can be found at:
<http://www.ksre.ksu.edu/library/plant2/EP130.pdf>

-- Erick DeWolf, Extension Plant Pathology
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2. Questions and Answers on converting CRP to cropland

There are many questions about converting Conservation Reserve Program (CRP) ground to cropland after the CRP contract has expired. The following are some of the most commonly asked questions we have heard at several meetings held across the state, and our best answers at this time. More research is needed, but answers are needed now.

Before making any management decisions regarding CRP coming out of contract, be sure to consult with the USDA Farm Service Agency (FSA) about your plans to make sure you follow all regulations that apply to your particular case. If regulations are not followed, there can be penalties.

Question 1: Can former CRP ground be cropped immediately?

Answer: Yes, but you should expect marginal yields at best the first year, and you may get overrun with weeds. In the western half of Kansas, you may get better yields on the first crop if you wait a year before planting. This would give you more time to get weeds under control and provide more time for moisture levels to recharge. To make up for lost income, during that time, you might want to consider haying the field sometime before you start killing the stand. In the eastern half of Kansas, chances are better of getting respectable yields when cropping CRP ground immediately, but yields will still probably be below average. If the CRP is smooth brome grass or tall fescue, the transition to cropland is generally much smoother than if from native grasses.

Question 2: Which crop do you think will do better the first year after CRP: corn, soybeans, grain sorghum, or wheat?

Answer: Where soybeans are adapted, the first choice would be Roundup Ready soybeans. Soybeans are a great choice because you will avoid any issues with N immobilization; however, proper inoculation is essential. A starter fertilizer application containing phosphorus (P) can also help soybeans off to a good start. For soybeans, P can be applied with the seed, but not N or potassium (K). Use a soil test to determine soil P and K levels. If the soil test calls for K, it would have to be applied to the soil surface, preferably in a band, or in a subsurface band to the side of the seed. For first-year soybeans going into former CRP ground, which is a low-yield environment in most cases, it is far more important and cost-effective to make sure the seed is well inoculated with a good quality inoculant than to apply any N at planting time. A low rate of N (up to 20 lbs/acre) could be applied in a subsurface band at planting time to help early season vigor, but it may not help yields. N applied to the surface would be quickly immobilized. Good inoculation will ensure the soybean plants get an adequate amount of N under those conditions.

In drier climates such as northwest and west central Kansas, Roundup Ready corn would be the first choice in many cases. Wheat is another possibility for areas such as southwest Kansas where dryland corn is riskier than in northwest Kansas. Even though we can't use glyphosate in wheat, generally the warm-season CRP grasses are dormant during much of the wheat life cycle, so this is not a serious problem. Grain sorghum is another alternative, but it has limited herbicide options, and could get overrun by the warm-season perennial CRP grasses, especially the first year. If planting corn, wheat, or grain sorghum, producers will have to use plenty of nitrogen fertilizer to get even an average yield the first year after converting from CRP. Also, grubs, wireworms, and other underground root feeders are generally more of a concern on grass crops when following CRP.

Question 3: What is the primary concern when recommending corn for western Kansas?

Answer: Most farmers are uncomfortable going into corn when it is extremely dry unless irrigation is available. In general, the three most considerations for any crop will be moisture requirements, fertility needs, and weed control options.

Question 4: Is skip-row corn a good option in western Kansas?

Answer: The results will vary, but one advantage is that herbicides can be direct-sprayed in the skipped area. If the farmer will intensively manage weeds in the skipped area, then skip-row corn could be a good option. If the area is not intensively managed, then the weeds from the skipped area will likely overtake the field.

Question 5: Is there a place for Clearfield wheat in this scenario?

Answer: The herbicides used in this scenario will likely make the perennial grasses sick or suppress it. It will result in marginal profitability for an expensive crop. Annual grass control is much more promising. However, there may be other more economical options for annual grasses as well. Clearfield wheat may be more appropriate for the second year after CRP conversion, following corn.

Question 6: What are considerations for the first-year crop in former CRP ground?

Answer: Reduce grass and broadleaf weed competition as much as possible. Make sure the crop has the nutrients it needs. Most ground put into CRP was marginal, and low in fertility. After several years in CRP, a significant percentage of the nutrients in the soil will be tied up in various stages of the nutrient cycle and unavailable for plants. A soil test will be essential to determine the level of available nutrients, and how extra fertility will be needed.

Question 7: What are typical soil test values on long-term CRP ground?

Answer: They are typically very low. Mineral nitrogen would be very low, and most of the N would be tied up in the residue, while P may range from 5-10 ppm. Potassium levels are generally not as low as N and P.

Question 8: Which fertilizer is the best source of N when getting CRP ready to return to crop production? Will NH_3 placed deep avoid being tied up by decomposing plant material?

Answer: NH_3 would be one of the best N sources, particularly for a subsurface placement method that would reduce N immobilization. If there are a lot of grass clumps or other irregularities in the field, however, you'll have to be sure the anhydrous applicator can provide a good seal during application. If not, you could lose a considerable amount of your applied N. In general, subsurface placement of any N fertilizer would be preferable to surface applications. In the end, the placement of N is more important than the source used. Keep in mind that other nutrients (particularly P) may be at very low levels, so soil sampling for nutrients like P, K, and also pH is essential.

Question 9: What are some of the perennial weeds that could be expected in cropland following conversion from CRP?

Answer: In Kansas, some of the potential perennial weeds in cropland following CRP would include buffalograss, switchgrass, big bluestem, little bluestem, Indiangrass, sideoats grama, field bindweed, and possibly various tree and brush species.

Question 10: Is there enough data on perennial weed control to make decisions?

Answer: There is a lack of data on this – especially perennial grass or sagebrush control. There is still a question about how many times herbicides need to be applied, and what combinations of herbicides are needed. In our work in Tribune, the most difficult grasses to control were switchgrass, big and little bluestem, and Indiangrass. We did control sideoats grama and buffalograss with 2-quart rates of generic glyphosate. It will take multiple applications to control the other grasses.

Question 11: What is the most cost-effective method of killing red cedar on CRP land being returned to crop production?

Answer: Prescribed burning is the method of choice for most instances where eastern redcedar has invaded. Fire is a very effective tool for controlling smaller trees. Larger trees that may survive burning can be mechanically removed. Herbicides are available for treating redcedar, but usually require good spray coverage and will be more effective on smaller trees. In addition, most herbicides that control trees and brush, may have a carryover effect and damage sensitive broadleaf crops such as soybeans.

Question 12: How well will herbicides penetrate the CRP canopy?

Answer: It depends on the height of the canopy. With short grasses, it is not necessary to remove biomass to get good herbicide penetration. With taller grasses, it may be necessary to mow or burn so that herbicides can be applied to live tissue.

Question 13: If weeds become a problem after the first-year crop is up and growing, can they be controlled?

Answer: If you use Roundup Ready crops (corn or soybeans), that will give you the best opportunity to control weeds in the first-year crop. Post weed control in wheat and grain sorghum is more challenging.

Question 14: I'm taking CRP out of contract on Sept. 1, 2010 for planting of soybeans in spring of 2011. What is the best herbicide to put on this fall, and when should it be applied?

Answer: Spray with a minimum of 2 quarts per acre of generic glyphosate as soon as it is allowed under regulations. If it is warm season CRP grasses, the grasses will probably be dormant by October 1 and there is no point in spraying it then. Control from spring applications of glyphosate on warm-season grasses will also be poor. For cool-season grasses, both fall and spring applications of glyphosate can be effective.

Question 15: Does tillage work when converting CRP to cropland? What weeds will it work on?

Answer: Tillage will work, but once you start working the ground you are basically locked into working the ground multiple times until you have a smooth seedbed. Tillage may also cause the soil to lose some of the organic matter it may have built up during the time it was in CRP, depending on the area of the state and the level of plant production while in CRP.

Question 16: How can I smooth CRP fields that have gopher mounds and root balls if I plan to convert it back to crop production using no-till? What about gullies?

Answer: You might try light disking. If the entire field is disked, you will have to continually work it to prepare the seedbed. If the gopher mounds and root balls are just a problem on a small percentage of the field, you should just work that area and leave the rest of the field no-till. Gullies in the field are indicators of where water will run and erosion will worsen. You might want to consider smoothing out any gully area and planting that area to a permanent grassed waterway.

Question 17: When taking CRP out of contract using no-till production, how many years does it take to get rid of the grass clumps?

Answer: Probably two years or more.

Question 18: Will it help to burn the CRP land before I get it ready to plant soybeans?

Answer: If there is heavy residue and burning would make field operations easier, that would be fine. If your main goal is to reduce the potential for N immobilization, then it depends on the crop you plan to plant. Immobilization is not an issue with soybeans, so leaving the residue may be beneficial in that situation, all else being equal. If residue levels are fairly light, burning may not make any difference. Burning CRP causes the soil to warm up and dry out faster. This drying can be detrimental in drier environments and possibly beneficial in wet environments.

Question 19: What are some of the problems in initiating research for CRP now?

Answer: Answers are needed sooner than researchers can get them with traditional research. In addition, it can be a challenge to find land that is currently not out of its CRP contract on which we can do research.



Two CRP fields in southwest Kansas that are being converted to crop production. Both fields were hayed in February. The field on the left has been disked, while the field on the right was planted no-till to corn this spring. Photos taken April 20, 2010 by Kent Martin, K-State Research and Extension.



Closeup of what the disked field looks like after one pass. No crop has been planted yet in this field.



Corn has been planted no-till into this field. The seed placement is shallow. This photo illustrates the importance and difficulty of getting consistent seed placement when planting into former CRP ground.

-- Alan Schlegel, Agronomist-In-Charge, Southwest Research-Extension Center, Tribune
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-- Brian Olson, Northwest Area Crops and Soils Specialist
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-- Kent Martin, Southwest Area Crops and Soils Specialist
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-- Jim Shroyer, Extension Agronomy State Leader
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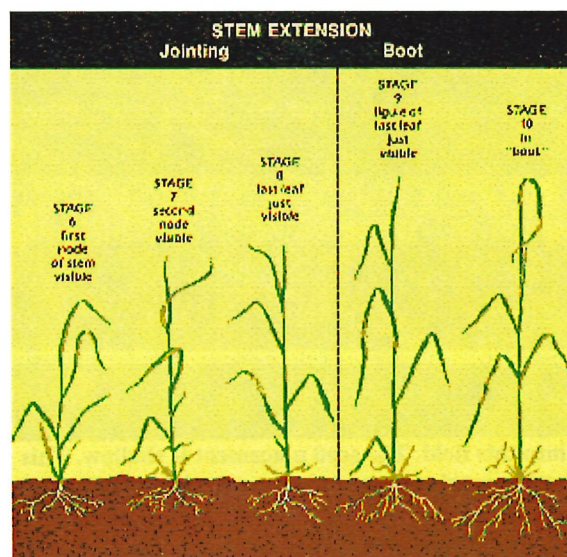
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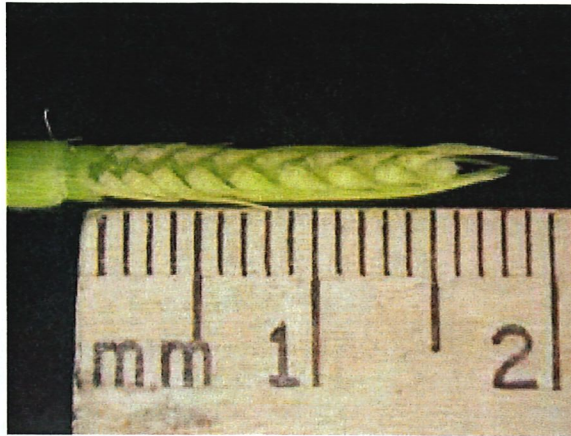
-- Walt Fick, Range and Pasture Management Specialist
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3. Flag leaf and boot stages of wheat

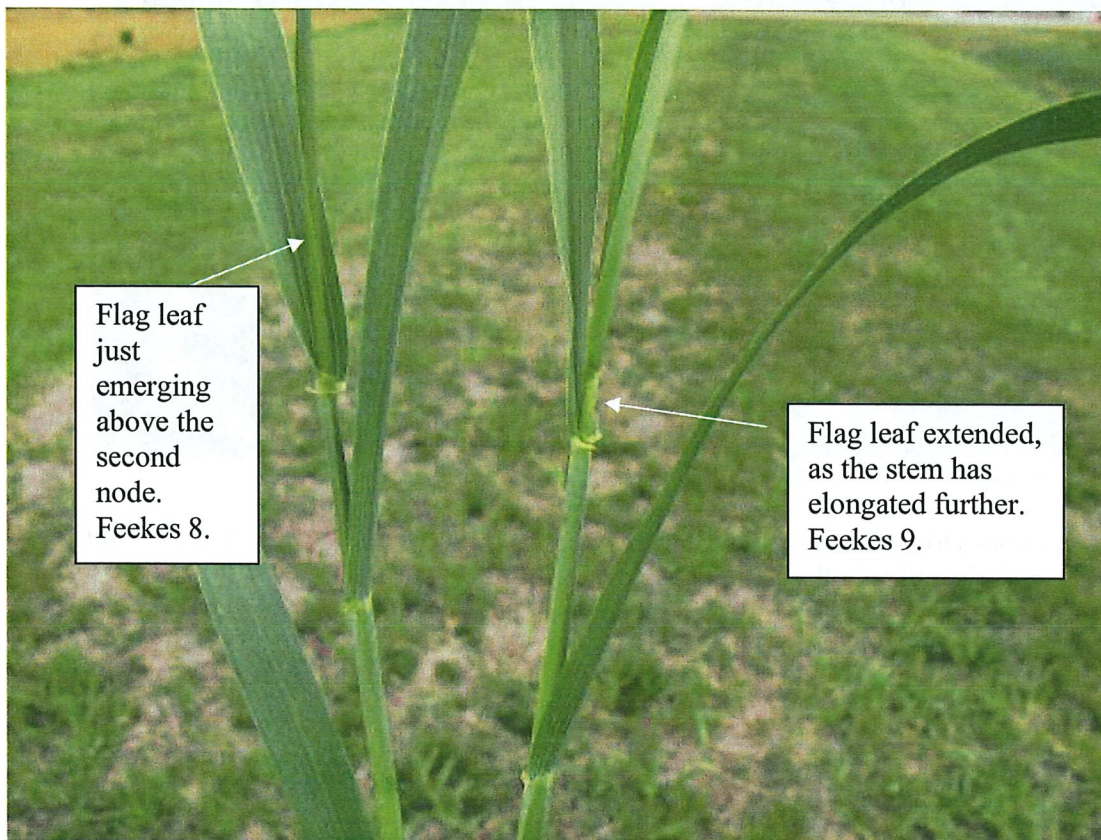
Wheat in Kansas currently ranges from late jointing (Feekes 7) or flag leaf emergence (Feekes 8) to the boot (Feekes 10) or early heading (Feekes 10.2) stages of growth.



At Feekes 7, there are two nodes visible on the stems. Shortly after the second node is visible on the stem, the flag leaf will begin to emerge. This is Feekes 8. The flag leaf is the last leaf the stem will produce. Generally, the flag leaf will first become visible when you can see two nodes on the stem. At this point, the young head will be inside the stem, where the second leaf below the flag leaf attaches to the stem. It may be difficult to feel the head within the stem at this stage, but it can be seen by cutting open the stem.



This is the typical size of the head shortly after the second node has formed.



Feekes 8 and 9 at K-State North Agronomy Farm, Manhattan on April 21, 2010. Photos by Jim Shroyer, K-State Research and Extension.

Shortly after the flag leaf begins to emerge, it will begin to extend to its full length. The flag leaf contributes about 75 percent of the nutrients that go into the wheat kernels. Producers should try to keep the flag leaf healthy because leaf diseases can damage leaves and grain yields will be reduced.

This is about as late as producers should apply 2,4-D for weed control. Most of the sulfonyleurea herbicides can still be applied until boot stage, but ideally should be applied before flag leaf emergence. Between the time the flag leaf has extended and early heading, foliar fungicides can

be applied if needed. Any nitrogen applied at these stages of growth can increase protein levels in some cases, but would only increase yields if the plants are extremely deficient in nitrogen.



Feekes 10 from Harper County, April 16, 2010.

The head continues to push upward in the stem after the flag leaf has reached its full length. Soon, you can feel a bulge in the stem just below the flag leaf. At this stage (Feekes 10, or boot stage), the head is about to emerge from the whorl and producers can see awns emerging.

In two weeks, we will have an article talking about the important head emergence and flowering stages of development.

-- Jim Shroyer, Extension Agronomy State Leader
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4. Southwest Research-Extension Center Field Day set for May 20

The Spring Field Day at the Southwest Research-Extension Center in Garden City is scheduled for May 20, from 2 until 7 p.m. Supper will be provided after the presentations.

Presentations at the Field Day will include:

- * Wheat replanting study
- * Cover crops
- * Wheat nitrogen study
- * Canola production practices

- * Canola variety tour
- * Wheat variety tour

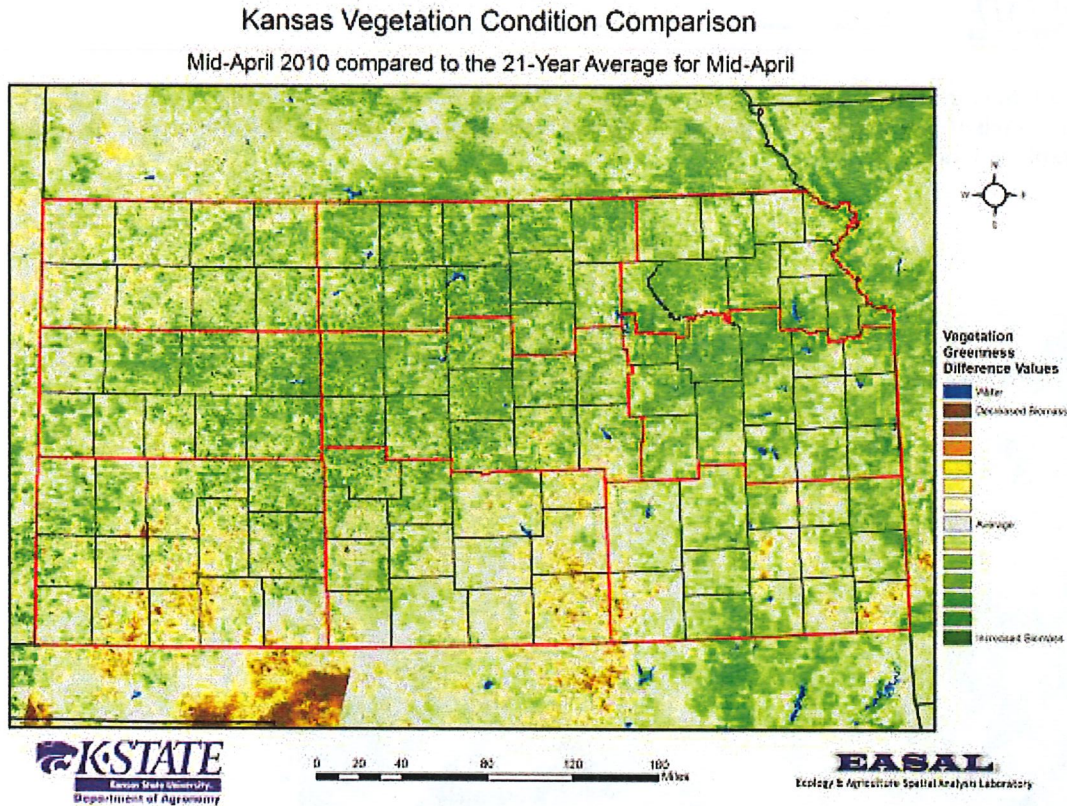
Those making presentations include K-State Research and Extension agronomists John Holman, Kent Martin, Jim Shroyer, and Mike Stamm, along with plant pathologist Erick DeWolf.

-- Steve Watson, Agronomy e-Update Editor
swatson@ksu.edu

5. Comparative Vegetation Condition Report: April 7-19

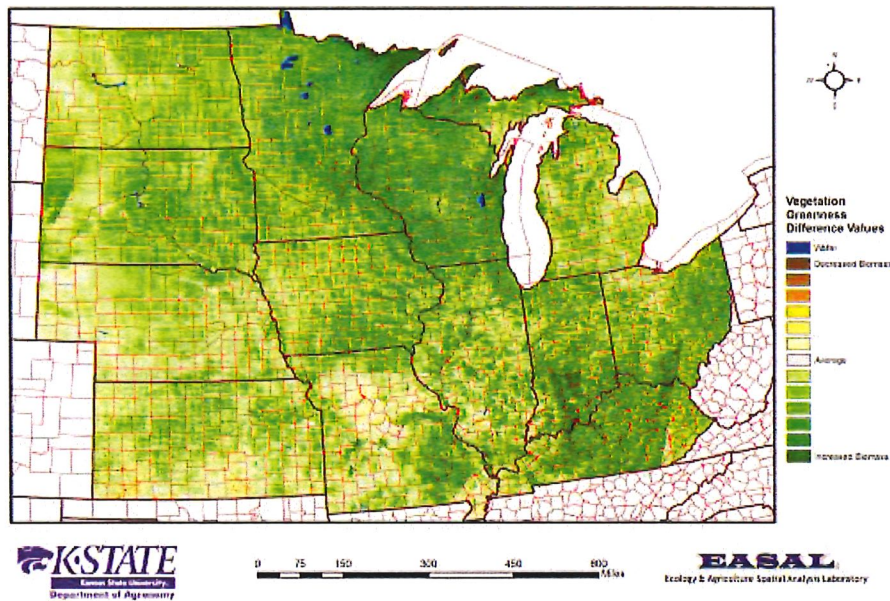
K-State's Ecology and Agriculture Spatial Analysis Laboratory (EASAL) produces weekly Vegetation Condition Report maps. Detailed information on how the maps are produced is in e-Update No. 239, April 9, 2010, available at:
<http://www.agronomy.ksu.edu/extension/DesktopDefault.aspx?tabid=58>

The most recent VCR maps from EASAL are below:



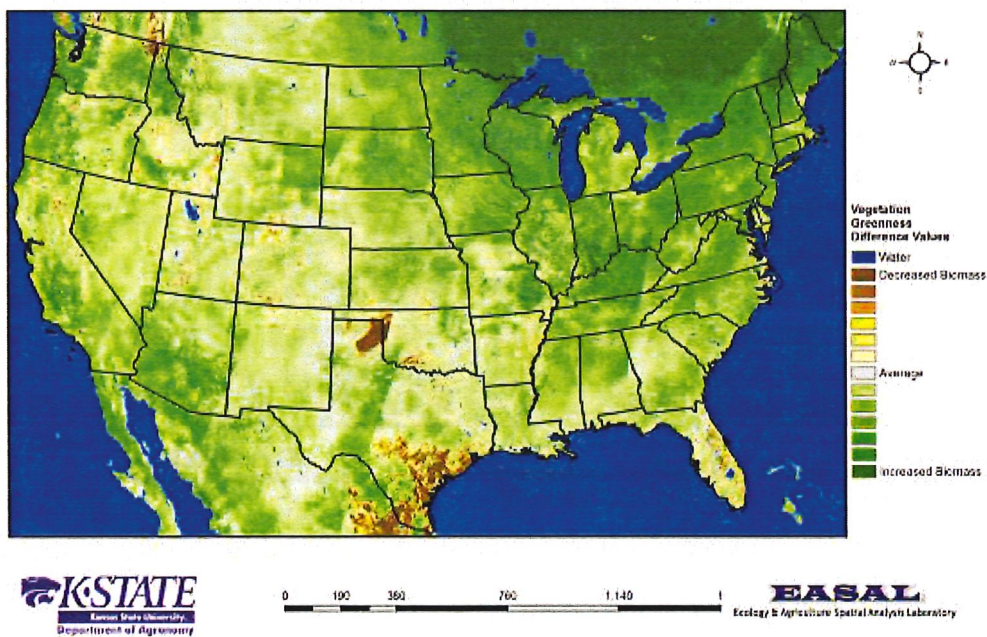
Map 1. The Vegetation Condition Report for April 7-19, from K-State's Ecology and Agriculture Spatial Analysis Laboratory, shows that while overall conditions in Kansas are ahead of normal, slower than normal growth can be seen in the southwest area of the state, particularly in Stevens and Seward counties. Slower development can also be seen in south central Kansas, particularly in Sumner and western Cowley counties. This is an area that shows abnormally dry conditions on the latest drought monitor. In addition, fewer-than-normal wheat acres planted have resulted in lower-than-normal vegetative production in this region.

U.S. Corn Belt Vegetation Condition Comparison
Mid-April 2010 Compared to the 21-Year Average for Mid-April



Map 2. The U.S. Corn Belt comparison to the 21-year average shows overall greater-than-normal vegetation production. Much of that is due to warmer-than-normal temperatures during the last two weeks, coupled with favorable soil moisture.

Conterminous U.S. Vegetation Condition Comparison
Mid-April 2010 Compared to 21-year Average for Mid-April



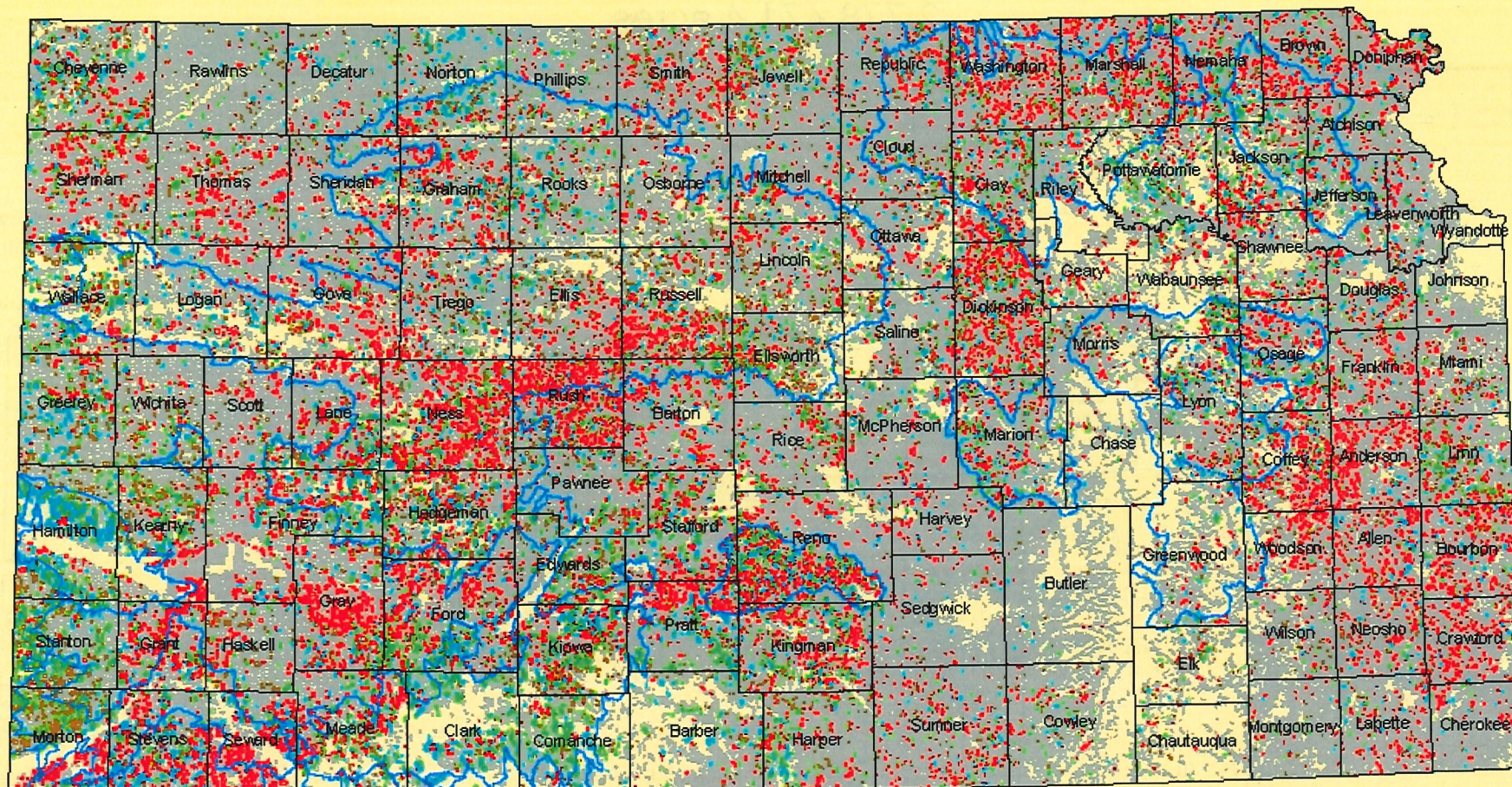
Map 3. This map shows that most of the country is ahead of normal biomass production. Two noticeable departures are areas of the Texas Panhandle, and central Texas to the Texas Gulf Coast. Both of these regions have had wetter-than-normal conditions, with the Texas Gulf Coast having below-average growing degree day accumulation.

-- Mary Knapp, State Climatologist
mknapp@ksu.edu

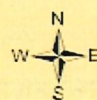
-- Kevin Price, Agronomy and Geography, Remote Sensing, Natural Resources, GIS
kpprice@ksu.edu

These e-Updates are a regular weekly item from K-State Extension Agronomy and Steve Watson, Agronomy e-Update Editor. All of the Research and Extension faculty in Agronomy will be involved as sources from time to time. If you have any questions or suggestions for topics you'd like to have us address in this weekly update, contact Steve Watson, 785-532-7105 swatson@ksu.edu, or Jim Shroyer, Research and Extension Crop Production Specialist and State Extension Agronomy Leader 785-532-0397 jshroyer@ksu.edu

2010 Kansas Cropland and CRP



	CPA Boundaries	
	2010 Expiring CRP	610,311 acres
	2011 Expiring CRP	528,549 acres
	2012 Expiring CRP	511,296 acres
	>2012 Expiring CRP	1,109,142 acres
	Cropland	



January, 2010

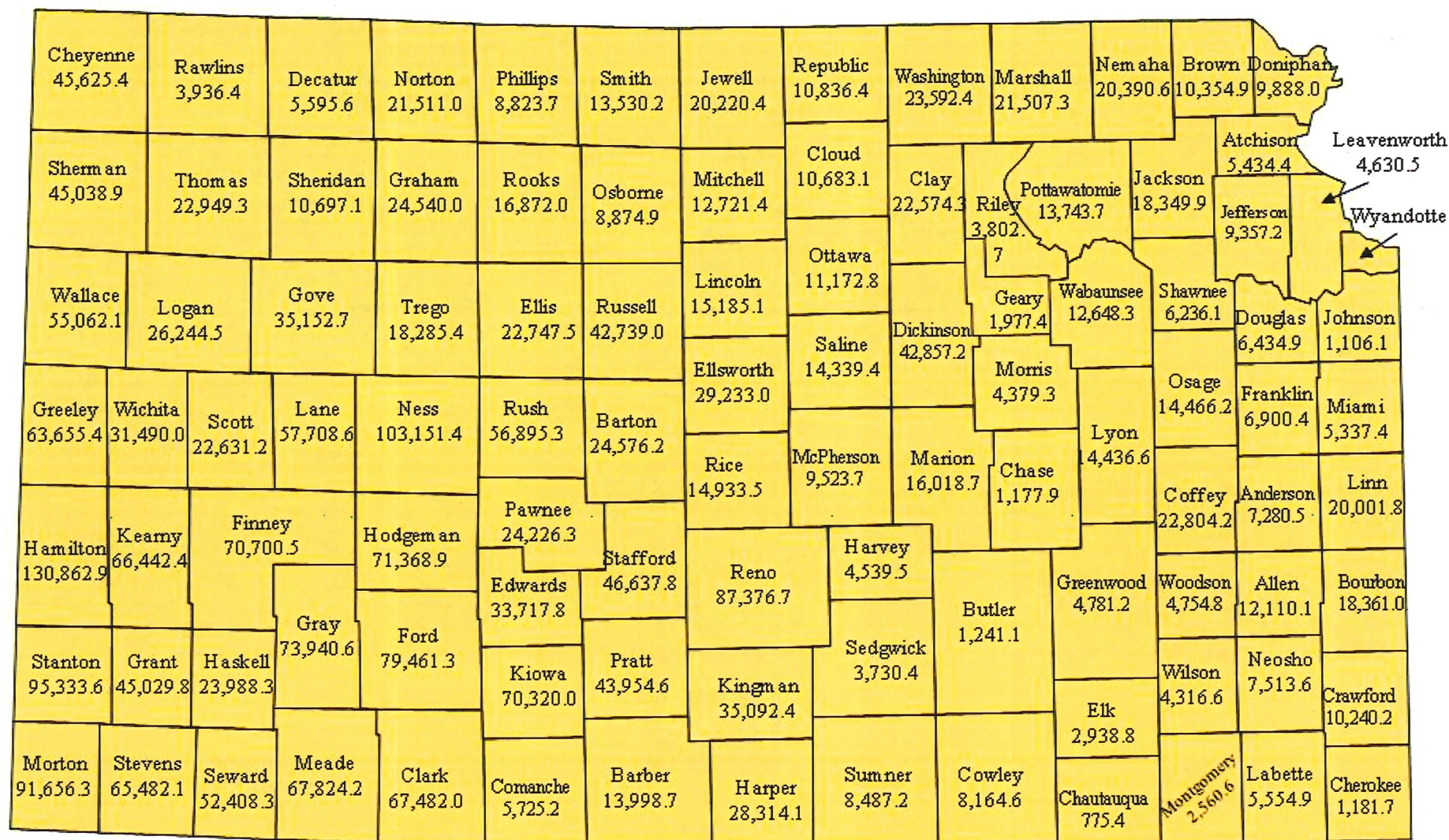
Cropland Acres in State 29,374,391
Cropland Acres in CPA 9,793,315

CRP Acres in State 2,759,298
CRP Acres within CPA 1,442,812

Senate Agriculture Committee
2-15-11
Attachment 2

Total CRP Acres

2,778,471.4 acres



USDA is an equal opportunity employer and provider.

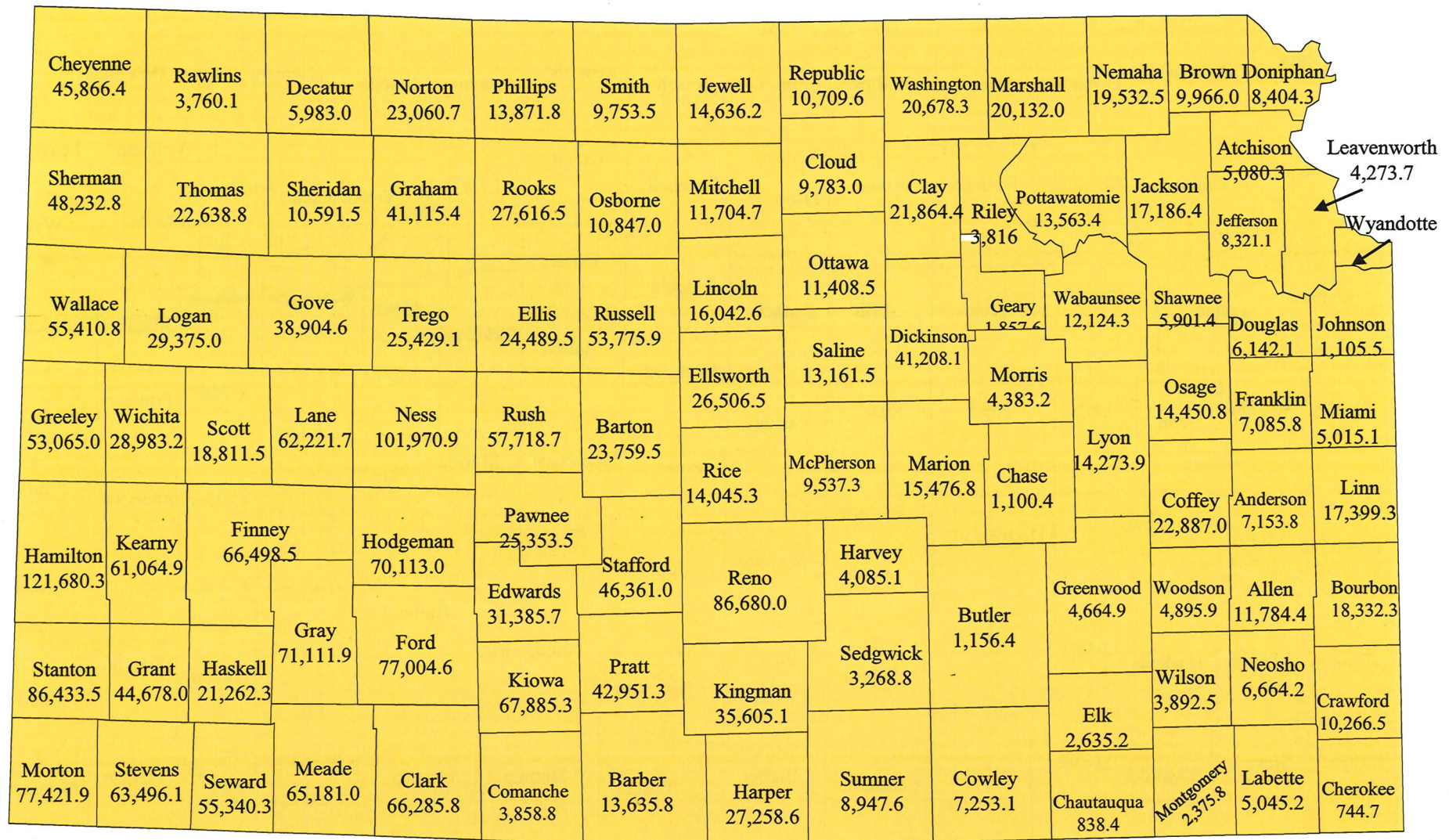
As of 4/30/10

2-2

Total CRP Acres

2,731,520.4 acres

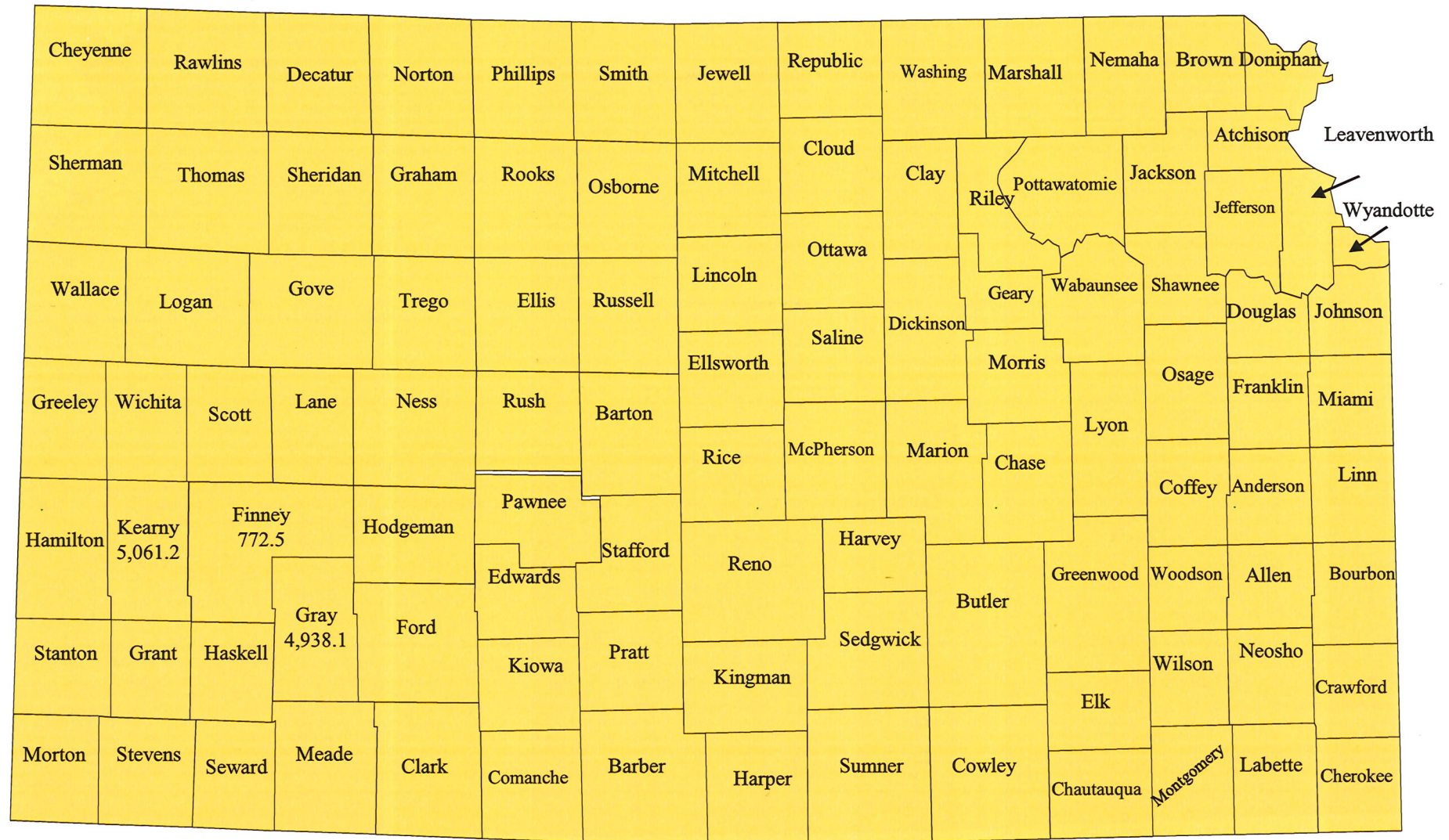
2-6



As of January 31, 2011

Upper Arkansas River CREP Acres

Total Acres 11,015.0 acres

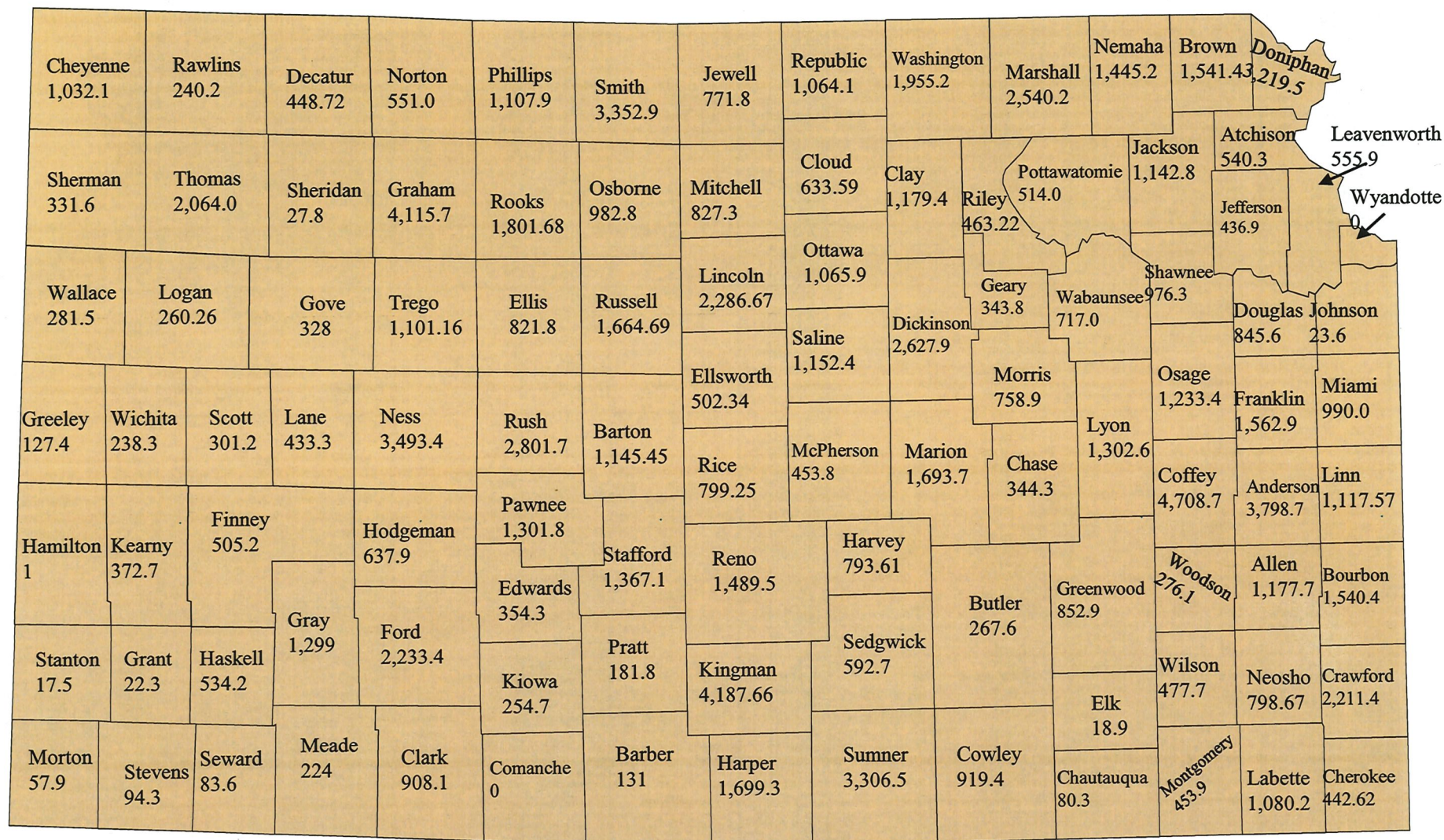


As of January 31, 2011

4-2

Kansas Continuous CRP Acreage

110,439.56 acres

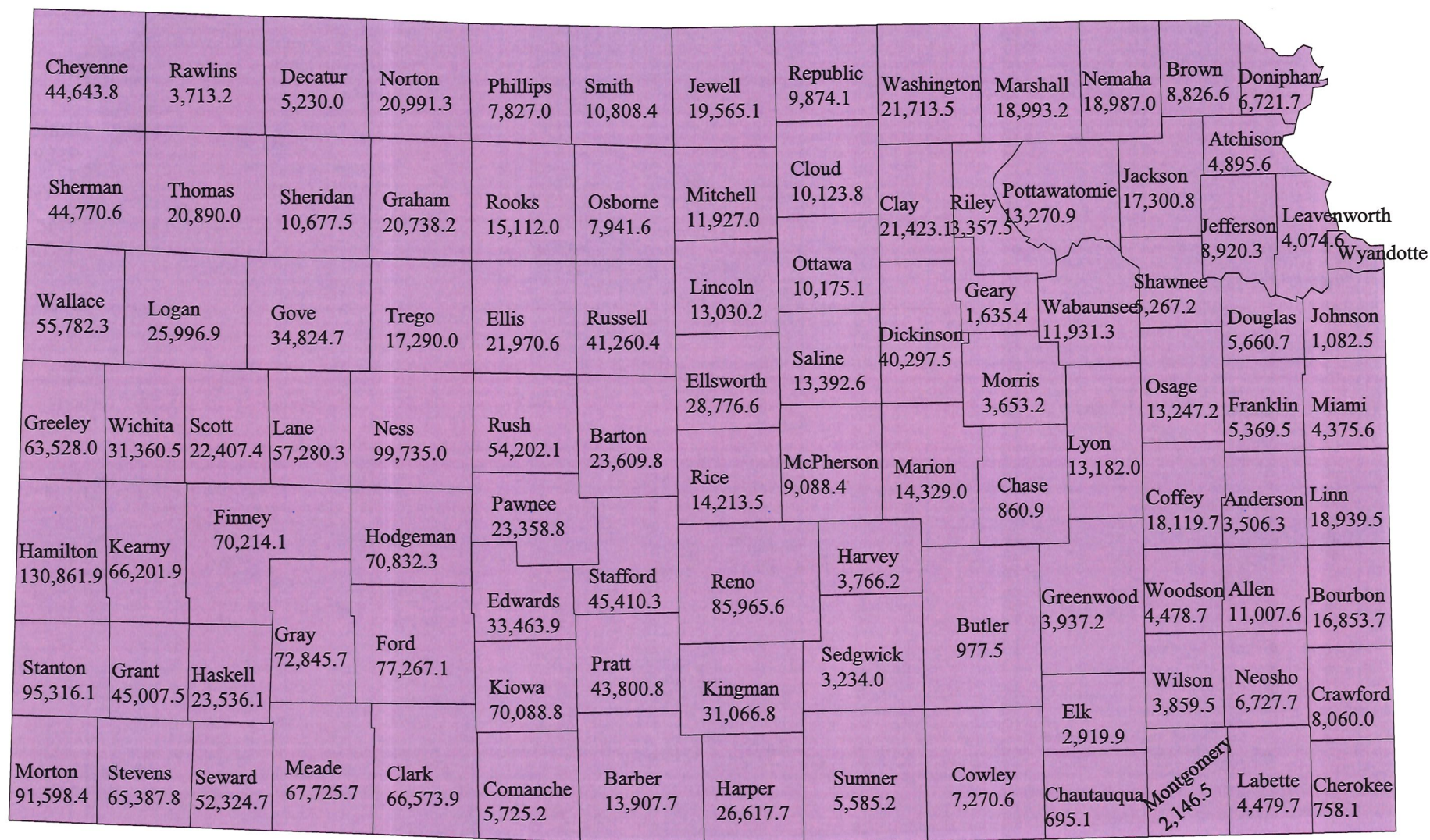


As of 4/30/10

2-5

Kansas General CRP Acreage

2,674,556.3 acres



As of 4/30/10



**Testimony on SB 186
to
the Senate Agriculture Committee
by
Randy Stookey
Staff Attorney
Kansas Department of Agriculture**

February 15, 2011

Good morning, Chairman Taddiken and members of the committee. I am Randy Stookey, staff attorney with the Kansas Department of Agriculture. I am here in support of Senate Bill 186, which amends K.S.A. 2-2451 of the Kansas pesticide law.

Last year, SB 393 amended K.S.A. 2-2449 to allow the secretary authority to deny, suspend, modify or revoke a pesticide business license for cause, after "notice and the opportunity for a hearing," rather than after "notice and a hearing." This change was made to ensure consistency with other statutes the department administers. Additionally, K.S.A. 2-2450 was amended to allow for the immediate suspension of a pesticide business license in any category for which a pesticide business applies pesticides but fails to employ a commercial applicator who is certified in that category.

K.S.A. 2-2451 is no longer needed because of the changes that were made to K.S.A. 2-2449 and 2-2450. The statute should have been amended last year along with K.S.A. 2-2449 and 2-2450, but was not because of an oversight on our part. Currently, K.S.A. 2-2451 conflicts with K.S.A. 2-2449 because it requires a full hearing (rather than the opportunity for a hearing) before a pesticide business license can be suspended. K.S.A. 2-2451 also conflicts with K.S.A. 2-2450 because K.S.A. 2-2451 does not include, as a reason for which a pesticide business license may be automatically suspended, the failure to employ a commercial applicator certified in each category in which the business applies pesticides.

K.S.A. 2-2451 is now redundant to K.S.A. 2-2449 and 2-2450, and is inconsistent with the recent amendments to those statutes. For this reason, and to maintain consistency throughout the Kansas pesticide law, K.D.A. would ask the committee to amend section one of SB 186 to repeal K.S.A. 2-2451, rather than amend K.S.A. 2-2451 as it is presented.

I appreciate the committee taking the time to hear my testimony on SB 186, and will stand for questions at the appropriate time.

*Senate Agriculture Committee
2-15-11
Attachment 3*



SENATE COMMITTEE ON AGRICULTURE

February 15, 2011

RE: SB 186 – amending the pest control act.

Chairman Taddiken and members of the Senate Agriculture Committee thank you for the opportunity comment today on SB 186. I am Leslie Kaufman, President/CEO of the Kansas Cooperative Council (KCC) and I appear on behalf of the KCC and the Kansas Agribusiness Retailers Associations (KARA). We comment today in support of the intent behind SB 186 and, after extensive discussion with the Kansas Dept. of Agriculture's (KDA) Deputy Secretary, we propose a balloon amendment to the bill.

KARA's membership includes over 700 agribusiness firms that are primarily retail facilities which supply fertilizers, crop protection chemicals, seed, petroleum products and agronomic expertise to Kansas farmers. KARA's membership base also includes ag-chemical and equipment manufacturing firms, distribution firms and various other businesses associated with the retail crop production industry. The KCC is a voluntary, statewide trade association representing all forms of cooperative businesses across the state -- agricultural, utility, credit, financial, refining and consumer cooperatives.

Collectively, our members include a majority of commercial applicators in Kansas and they are impacted by changes of the Kansas Pest Control Act. As we understand SB 186, it was introduced to remedy an inconsistency between statutory provisions. As we have been working through this and related sections, we agree with the KDA that KSA 2-2451 should be stricken. But, in doing so, we believe a change in KSA 2-2450(b) is subsequently warranted.

Currently, KSA 2-2450(b) requires the Secretary "shall suspend, without a hearing", the pesticide business license for a specific category if a commercial applicator with the appropriate certification is not currently employed by the business. The ability to act quickly and without hearing may be necessary if a situation arose where a non-certified individual was in the act of applying a specified chemical when the KDA made contact with such individual. But, suspension might not actually be warranted if there was question over paper work or a renewal application. Another scenario might be the situation where the business is in the process of hiring a certified commercial applicator during a season when no application of that type is currently being conducted, but they still technically do not have an "employee" for that category.

*Senate Agriculture Committee
2-15-11
Attachment 4*

Thus, we propose that in addition to striking KSA 2-2450, the wording in KSA 2-2450(b) be amended so that the Secretary's authority to suspend is permissive and not mandatory. This should give the KDA flexibility to react as situations are warranted by the circumstances. We have attached a balloon illustrating our suggested changes. Our discussions with the KDA extended into the late afternoon yesterday, as such we were not able to get a copy of the balloon to the Revisor before this morning, but they do have one now.

We appreciate the discussions with the Dept. of Agriculture. It is our understanding they will consider this a friendly amendment.

Thank you for your consideration. We hope that when the committee works this bill, you will act favorably on our proposed amendments.

If you have questions about our testimony or the attached balloon, I will certainly be glad to address them at the appropriate time.

Thank you.

Session of 2011

SENATE BILL No. 186

By Committee on Agriculture

2-10

AN ACT concerning agriculture; relating to the pest control act; amending K.S.A. 2-2451 and repealing the existing section.

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

~~Section 1. K.S.A. 2-2451 is hereby amended to read as follows: 2-2451. Before any pesticide business license, governmental registration or an applicator's certificate shall be revoked, denied renewal or modified, or before it shall be suspended for any cause other than termination of surety bond, liability insurance coverage, letter of credit, or proof of an escrow account, or failure to employ one or more commercial applicators certified in each category and subcategory in which the pesticide business makes commercial pesticide applications, the secretary shall inform the licensee, registrant or holder of a certificate of the date and place of hearing upon such proposed revocation, denial, modification or suspension. The hearing shall be conducted provide notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act.~~

Sec. 2. K.S.A. 2-2451 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

New Sect. 1. KSA 2-2450. Suspension of pesticide business license for failure to employ certified commercial applicator or to have surety bond, liability insurance, letter of credit or escrow account. (a) If the surety bond, certificate of liability insurance, letter of credit or proof of an escrow account previously furnished by the licensee expires or is canceled or terminated, the secretary shall suspend without a hearing the pesticide business license until an acceptable substitute surety bond, letter of credit, proof of an escrow account or certificate establishing acceptable replacement of liability insurance is supplied.

(b) If the pesticide business fails to employ one or more commercial applicators certified in each category and subcategory in which the pesticide business makes commercial pesticide applications, the secretary ~~shall~~ may suspend, without a hearing, the pesticide business license for that category until the pesticide business employs a commercial applicator with the appropriate certification.

4-3