

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairperson Sharon Schwartz at 3:30pm on Tuesday, January 26, 2016, 346-S of the Capitol.

All members were present except:

Representative Joe Seiwert – Excused

Committee staff present:

Joanna Dolan, Legislative Research Department

David Wiese, Office of Revisor of Statutes

Natalie Scott, Office of Revisor of Statutes

Raney Gilliland, Legislative Research Department

Shirley Jepson, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Chad Bontrager, Department of Agriculture

Randall Allen, Kansas Association of Counties

Kenny Backus, Ottawa County Weed Department

Leslie Kaufman, on behalf of Kansas Cooperative Council and Kansas Agribusiness Retailers Association

Mike Beam, Kansas Livestock Association

Donn Teske, Kansas Farmers Union

Paul Johnson, Kansas Rural Center

Zack Pistora, Kansas Sierra Club

Others in attendance:

[See Attached List](#)

**Hearing on: HB2479 — Amendments to the Kansas noxious weed law.**

Chair Schwartz opened the hearing on **HB2479**.

Natalie Scott, Revisor, provided an overview of **HB2479 (Attachment 1)**. Ms. Scott explained the sections of current statute that are being amended by the legislation. Ms. Scott responded to questions from the Committee.

Chad Bontrager, Deputy Secretary, Department of Agriculture, appeared before the Committee in support of **HB2479 (Attachment 2)**. Mr. Bontrager stated that the legislation will move the control of noxious weeds from the Legislature to the secretary of the Department of Agriculture. **HB2479** targets three areas for improvement in the Kansas Noxious Weed Law, creating the state noxious weed advisory committee and places the state noxious weed list in regulations. Mr. Bontrager's testimony includes a detailed explanation of the various sections of **HB2479**. Mr. Bontrager indicated that the bill would amend existing state law to remove the state noxious weed list from the control of the

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Legislature through statute and place it into regulation and control by the Secretary of the Department of Agriculture, within a year of enactment of the law.

Mr. Bontrager responded to questions from the Committee, noting that the landowner will be charged the cost of spraying or removing noxious weeds from one's property. Mr. Bontrager indicated that there are various ways of eradicating noxious weeds - chemicals do not always work on all noxious weeds. Mr. Bontrager noted that there is still a weakness in the law on enforcing payments from the landowner for eradicating noxious weeds.

Mr. Bontrager stated that the main reason for moving the control of noxious weeds from the Legislature to the Secretary of the Department of Agriculture, is to improve the response time to the eradication in a more timely manner.

Responding to a question from the Committee, Staff and Mr. Bontrager commented that 1998 was the last time that the statutes on noxious weeds were changed. The Committee questioned who is responsible for damage to property from the spraying of noxious weeds, either by the county or state, particularly someone who does not follow the directions for the spray's use. Mr. Bontrager noted that the label on most spray gives very specific use of the product.

Responding to a question from the Committee, Raney Gilliland, Legislative Research Department, explained the process of promulgating rules and regulations.

Randall Allen, Executive Director, Kansas Association of Counties, appeared before the Committee in support of **HB2479** ([Attachment 3](#)). Because the control of noxious weeds are the responsible of both the state and the counties, Mr. Allen felt that this is a positive step forward. Mr. Allen responded to questions from the Committee.

Kenny Baccus, Vice President, County Weed Directors Association of Kansas, appeared before the Committee in support of **HB2479** ([Attachment 4](#)). Mr. Baccus noted that the Association appreciated the Department of Agriculture reaching out to them in working on the legislation. Mr. Baccus felt that the amendments to current law would allow invasive weeds to be dealt with in a more timely manner when infestations are located.

Mr. Baccus responded to questions from the Committee.

Leslie Kaufman, on behalf of Kansas Cooperative Council and Kansas Agribusiness Retailers Association, appeared before the Committee in support of **HB2479** ([Attachment 5](#)). Ms. Kaufman noted that, although they normally support regulation through the legislative process, the current legislative process for designating noxious weeds can be time consuming and cumbersome. Ms. Kaufman responded to questions from the Committee.

Mike Beam, Kansas Livestock Association (KLA), appeared before the Committee in support of

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Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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**HB2479** ([Attachment 6](#)) . Mr. Beam indicated that KLA supports the legislation because it improves the manner in which noxious weeds are designated; updates the current statutes; funds at the local level and addresses a manner in which noxious weeds inadvertently have been seeded along our roads and highways. Mr. Beam responded to questions from the Committee.

Donn Teske, Kansas Farmers Union, appeared before the Committee and provided testimony as neutral on **HB2479** ([Attachment 7](#)) . Mr. Teske explained that their policy supports the current system of noxious weed control and through the county weed offices and as a whole has considered the current statutes to have been working. Mr. Teske noted that his organization feels it is giving tremendous power to one individual - the Secretary of Agriculture. Mr. Teske further noted, as currently written, they oppose **HB2479**. Mr. Teske responded to questions from the Committee.

Paul Johnson, Kansas Rural Center, appeared before the Committee in opposition to **HB2479** ([Attachment 8](#)) . Mr. Johnson noted that one reason for their opposition to the legislation is taking control away from the counties and allowing noxious weeds to be defined in rules and regulations. Mr. Johnson also noted that the legislation gives the county the authority to invade one's property at any time if they suspect an invasion of noxious weeds. Mr. Johnson noted that Kansas Rural Center supports refinements and improvements to existing law but opposes transitioning noxious weed law from statute to rules and regulations. Mr. Johnson responded to questions from the Committee.

Zack Pistora, Kansas Sierra Club, appeared before the Committee in opposition to **HB2479** ([Attachment 9](#)) . Mr. Pistora stated that **HB2479** focuses too heavily on using chemical controls and does not adhere to science nor ecological protection of Kansas lands. Mr. Pistora also noted that the legislation places a greater burden on private property owners and expands government interference. Mr. Pistora responded to questions from the Committee.

Written testimony in opposition to **HB2479** was received from:

- Jill Elmers, Certified Organic Specialty Crop Grower, Douglas County ([Attachment 10](#))
- Tom Buller, Fruit and Vegetable Farmer, Douglas County ([Attachment 11](#))
- Jack Geiger, Kansas farmer/landowner, Brown County ([Attachment 12](#))

The hearing on **HB2479** was closed.

### **Adjournment**

The meeting was adjourned at 5:40 pm. The next meeting of the Committee is scheduled for January 27, 2016.