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Feb. 10, 2015

TO: Sen. Garrett Love, Chairman and Committee Members
Senate Committee on Agriculture

FROM: Leslie Kaufman, President/CEO
Kansas Cooperative Council (KCC)

RE: **Support for SB 134 – Moving noxious weed designation to the regulatory process; requesting amendment relative to noxious weed advisory committee.**

SUMMARY

- Since 1944, the Kansas Cooperative Council has been representing the interests of cooperatives operating in Kansas. Our membership includes farm marketing and ag supply cooperatives, rural electric and telecommunications companies, insurance and risk management operations, credit unions and the Farm Credit system;
- Our agriculture co-ops provide many of the crop protection products needed by producers and landowners to control noxious weeds;
- We appear today in support of SB 134 and are requesting an amendment;
- The current legislative process for designating noxious weeds can be time consuming, cumbersome, slow to respond, and political;
- Generally, we support legislating by statute rather than regulation. But, our policy also supports regulation that is science-based and has practical application in the real world. We see the proposed regulatory management approach contained in SB 134 as a means of strengthening the science behind noxious weed designation;
- The proposed new framework should decrease the politics surrounding a listing and encourages industry participation through the advisory committee;
- Advantages inherent in the regulatory proposal contained in SB 134, in our opinion, outweigh our general bent toward legislating through statute. Thus, we are supportive of the legislation;
- Currently, the bill allows for the appointment of 2 agribusiness representatives based on the recommendation of the Kansas Agribusiness Retailers Association (KARA) board of directors. The Kansas Cooperative Council respectfully requests the ability to offer the recommendations for 1 of those 2 seats (balloon attached).



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FROM: Leslie Kaufman, President/CEO
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RE: **Support for SB 134 – Moving noxious weed designation to the regulatory process; requesting amendment relative to noxious weed advisory committee.**

Chairman Love and members of the Senate Committee on Agriculture, thank you for the opportunity to comment today in support of SB 134 regarding the designation of noxious weeds through the rule and regulatory process. We do favor the measure, but request an amendment, as well.

I am Leslie Kaufman and I appear today on behalf of the co-op members of the Kansas Cooperative Council. Since 1944, our association has been representing the interests of cooperatives operating in Kansas. Our membership includes farm marketing and ag supply cooperatives, rural electric and telecommunications companies, insurance and risk management operations, credit unions and the Farm Credit system.

Our 85 farm marketing and ag supply members are owned and controlled by agricultural producers. Our agriculture co-ops provide many of the crop protection products needed by producers and landowners to control noxious weeds. Thus, this bill is of interest to our association and local co-op members.

The current legislative process for designating noxious weeds can be time consuming and cumbersome. At times, it can become political, too. Thus, the existing structure might not allow for a quick response in addressing damaging weed issues, and that does concern us.

Our association has long-standing policy expressing a general preference for legislating by statute over rule and regulation. So, it may seem odd to some that we are supporting a move away from a statutory structure to a regulatory framework under the Kansas Dept. of Agriculture (KDA). Our policy also supports regulation that is science-based and has practical application in the real world. We see the proposed regulatory management approach contained in SB 134 as a means of strengthening the science behind the noxious weed designation. As an added bonus, this is done through a mechanism that decreases the politics surrounding a listing and encourages industry participation through the advisory committee. As such, the advantages inherent in the regulatory proposal contained in SB 134, in our opinion, outweigh our general bent toward legislating through statute. Thus, we are supportive of the legislation.

We do request one change in the bill regarding the make-up of the noxious weed advisory committee. Overall, SB 134's panel composition has an appropriate balance of interests. We certainly appreciate the KDA creating 2 spots on the committee for the agribusiness industry. Currently, the bill allows for the appointment of both those 2 representatives based on the recommendation of the Kansas Agribusiness Retailers Association (KARA) board of directors.

KARA is a wonderful industry partner and we work very closely together. At the same time, if there are 2 seats available to the agribusiness industry, the Kansas Cooperative Council, as a leading representative of the agribusiness industry along with KARA, respectfully requests the ability to offer the recommendations for one of those seats.

We have communicated our interest in securing this change to both the KDA and KARA and have presented our suggested language to the revisor. An in-line version of our amendment is included at the end of our statement and a revisor's balloon amendment outlining the requested change is attached, too. We certainly hope this committee will be supportive of our suggested change and, at the proper time, incorporate it into SB 134.

Thank you for your consideration and we note again our appreciation for the opportunity to voice support for SB 134. I will be glad to stand for questions at the appropriate time.

Leslie J. Kaufman

KCC President/CEO

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SB 134 KCC proposed amendment In line changes – at page 3, lines 5-7

(6) two members shall represent the agricultural industries in the state.
~~and~~ One member shall be appointed upon the recommendation of the Kansas
agribusiness retailers association board of directors and one member shall be appointed upon the
recommendation of the Kansas cooperative council board of directors.

One member of state advisory committee appointed upon recommendation of the Kansas cooperative council board of directors

(4) three members shall be private landowners;
(5) two members shall represent county weed directors and shall be appointed upon the recommendation of the county weed directors association of Kansas board of directors; and
(6) two members shall represent the agricultural industries in the state ~~and shall be appointed upon the recommendation of the Kansas~~ ^{One member} ~~agribusiness retailers association board of directors~~
(b) (1) Except as provided in this section, the term of office of each member of the committee shall be four years. The initial appointments to the committee shall be as follows:

(A) Four members shall be appointed for terms of two years;
(B) four members shall be appointed for terms of three years; and
(C) three members shall be appointed for terms of four years.
(2) The secretary shall designate the term of office for each member appointed to the first committee. Appointees shall be limited to serving a total of two full terms each. Each state advisory committee member shall hold office until the expiration of the term for which such member is appointed or until a successor has been duly appointed.
(3) In the event of a vacancy on the state advisory committee, the appointing body of the vacating member shall fill such vacancy for the remainder of the unexpired term before the next meeting.
(4) The secretary may remove any member of the state advisory committee for misconduct, incompetence or neglect of duty.
(5) A quorum of the state advisory committee shall be six of the members duly appointed to the state advisory committee.
(6) A quorum of the state advisory committee shall elect or appoint annually a chairperson and a vice-chairperson.
(7) The state advisory committee shall meet at least quarterly.
(c) The state advisory committee shall, among other duties assigned by the secretary:

(1) Review the state weed management plan every five years and recommend changes and updates to the secretary for approval;
(2) through the use of a risk assessment, designated by the secretary, recommend the designation and classification of state noxious weeds;
(3) review the noxious weed act and the list of species declared to be noxious weeds by rules and regulations of the secretary every four years and recommend changes to the secretary;
(4) review the official eradication and control methods for each state noxious weed and recommend changes to the secretary; and
(5) before January 1 of each odd-numbered year report to the secretary on the expenditure of state funds on noxious weed control; specifically how such funds were spent; the status of the state and county programs; and recommendations for the continued best use of state funds

and one member shall be appointed upon the recommendation of the Kansas cooperative council board of directors