

Approved February 16, 1988
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Representative Clifford Campbell at
Chairperson

9:10 a.m. on February 5, 1988 in room 423-S of the Capitol.

All members were present except: Representatives Crumbaker, Hamm, K. Campbell, Gross, Lacey, and Solbach who were excused.

Committee staff present: Raney Gilliland, Legislative Research Department
Norman Furse, Revisor of Statutes Office
Marjorie Brownlee, Committee Secretary

Conferees appearing before the committee: Sam Brownback, Secretary of Agriculture
Dale Lambley, Director, Plant Health Division,
Board of Agriculture

The minutes of the Committee meetings of January 26, January 27, and February 2 were presented to the Committee. Representative Apt moved that they be accepted by the Committee. Representative Eckert seconded the motion. The motion carried.

The next order of business on the agenda was the hearing on HB 2749.

Sam Brownback, Secretary of Agriculture, spoke briefly in favor of the bill. He then introduced Dale Lambley, Director of the Plant Health Division of the Kansas State Board of Agriculture. He testified in behalf of the bill. (Attachment I)

A brief discussion ensued in which it was discerned that the language of (a) after paragraph two in Attachment I varied somewhat with the printed bill. It was noted that the variance might only be typographical in nature but needed to be clarified by Norman Furse of the Revisor of Statutes Office.

Representative Neufeld made a motion to accept the bill with that resolution inasmuch as it had no effect on the intent of the bill. Representative Goosen seconded it. The motion passed.

Representative Roenbaugh made the motion that the bill be passed as amended. Representative Freeman seconded the motion. The motion carried.

Chairman Campbell told the Committee that both he and Representative Roenbaugh have been approached by several members of the Wheat Commission. They have a concern regarding the length of term of the appointment for members on that Commission. At the present time it is two years. They would like for us to consider changing their term from two years to four years. If they move on to the U.S. Wheat Associates, they must go through a chain of offices from the time of election as an officer which takes four years. These persons have talked with the Governor's office and they feel there would be no opposition to a change.

Representative Roenbaugh made the motion that the committee introduce a bill proposing that the length of time for an appointment to the Wheat Commission be changed from two years to four years. Representative Apt seconded the motion. The motion was passed favorably by the Committee.

Chairman Campbell adjourned the meeting at 9:40 a.m.

The next meeting of the House Agriculture and Small Business Committee will be on February 10, 1988, for a hearing on HB 2766.

T E S T I M O N Y

HOUSE BILL NO. 2749

PRESENTED TO

HOUSE COMMITTEE ON AGRICULTURE & SMALL BUSINESS

by

Dale Lambley, Director
Plant Health Division
Kansas State Board of Agriculture

February, 1988

HOUSE BILL NO. 2749
PROPOSED AMENDMENTS TO THE
KANSAS PLANT PEST ACT

February, 1988

The Kansas weed control program currently is dependent on authority provided by the Kansas Noxious Weed Law. This law provides for control or eradication of those weeds which have been declared noxious by legislative action but does not provide authority in the areas of detection, exclusion and eradication of newly introduced weeds which are not yet established or have only recently appeared in the state. Since legislative action to declare a weed noxious does not usually occur until after the weed pest has become established in the state, eradication is usually extremely difficult from a biological standpoint and becomes very expensive. Much of our current effort in weed control is therefore, pointed toward long term chemical and biological control treatments as we attempt to suppress the weed to a point where we can live with it.

The Kansas "Plant Pest Act" (K.S.A. 2-2112 et al), on the other hand, provides a complete program for dealing with all insects, diseases, and other plant pests except for non-parasitic weeds. Extension of the "Plant Pest Act" to provide authority for a complete program to deal with all weed pests can be accomplished by amending K.S.A. 2-2113(a) to read as follows:

- (a) "Plant pests" shall include any stage of development of any insect, nematode, ~~animal~~, or any other invertebrate animal, or any bacteria, fungus, virus, weed or any other plant or microorganism which can injure plants or plant products.

Use of this language would provide for the inclusion of any conceivable organism which might be destructive to crop or ornamental plants as a plant pest.

Actions to deal with weed pests which would be made possible by this amendment of the "Plant Pest Act" would be:

1. Quarantine of infested areas outside Kansas to prevent the weed pest involved from entering the state.
2. Initiation of eradication measures for a new weed immediately following its initial occurrence in the state. This would be prior to the time legislative action could be taken to declare it a noxious weed.

3. Conducting surveys to detect the area of infestation of existing weed pests and to locate infestations of new weed pests before they can become well established. Any decision regarding steps to deal with a weed pest or any other pest must be based on a thorough knowledge of the pest and its location in the state.
4. Cooperation with USDA in efforts to eradicate and control new weed pests. This would include not only eradication programs but bio-control programs. (We currently do not have authority to participate in such a program under the Noxious Weed Law for any except the declared noxious weeds.)

A number of changes are occurring which make this proposed amendment necessary. One of the primary ones is the shift in national and international trade channels to the shipment of plant products and other items as containerized cargo. Products traveling as containerized cargo are difficult, if not impossible, to inspect at the U.S. ports of entry. Consequently, weed seeds and other pests may not be detected until populations start to develop at destination. We suggest that the time to combat a new and potentially noxious weed is when it is still in the form of a few small clumps alongside the airport runway in Wichita, or a railroad siding in central Kansas. This amendment would provide that opportunity. We simply believe that high priority should be given to preventing the introduction of new weed species into the state and to eradication of new potentially noxious species before they spread.

No increase in personnel or funding is anticipated due to enactment of the proposed changes in the Plant Pest Act. The current plant protection and noxious weed staff members will incorporate this work into their regular work procedure.

Should a future need arise, is it possible that money to supplement and enhance the current plant protection and noxious weed programs might be available from the USDA-APHIS-PPQ under a cooperative agreement arrangement.

In brief, we have recommended this change because we believe it to be intelligent from both a scientific and economic sense. We would request your favorable consideration of the bill.