

Approved: 1-24-96  
Date

## MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE

The meeting was called to order by Chairperson David Corbin at 10:05 a.m. on January 23, 1996 in Room 423-S of the Capitol.

All members were present except: Quorum was present.

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

Conferees appearing before the committee:  
Mike Jensen, Kansas Pork Producers Council  
Tom Sim, Division of Plant Health, Department of Agriculture  
Dennis Peterson, Past President, County Weed Director's Association  
Dennis Klick, Woodson County, Noxious Weed Director

Others attending: See attached list

A motion was made by Senator Sallee to adopt the minutes of January 18. Motion was seconded by Senator Wisdom. Motion carried.

Chairperson Corbin presented a bill request concerning livestock contracts. He said Representative McKinney had requested it. A motion was made by Senator Steffes to have the bill introduced. The motion was seconded by Senator Sallee. Motion carried.

Chairperson Corbin called on Mike Jensen to explain a bill request proposed by his organization. The bill would expand the authority of limited liability agricultural companies and authorized farm corporations to allow family farm corporations and family farm limited liability agricultural companies to participate as business entities (Attachment 1). A motion was made by Senator Steffes to have the bill introduced. The motion was seconded by Senator Tillotson. Motion carried.

### S.B. 446 - concerning agriculture; relating to noxious weeds; concerning sericea lespedeza.

The hearing was opened by Chairperson Corbin and he called on Tom Sim, from the Department of Agriculture to present information on sericea lespedeza. Senator Corbin announced that a fiscal note on the bill had been distributed. Also, that written testimony from Chris Wilson, Director of member Services of the Kansas Seed Industry Association had been distributed. Her written statement states that their association has chosen to remain neutral regarding the legislation, since sericea lespedeza's status would not have a direct economic effect on Kansas seedsmen (Attachment 2).

Tom Sim, Plant Protection Administrator in the Division of Plant Health, appeared to provide information. He said Sericea Lespedeza was made a county-option noxious weed by the 1988 Legislature, and at the present fifty-two counties have declared it noxious within their borders. Attached to his statement is a map showing the status of sericea lespedeza in Kansas (Attachment 3) He responded to questions regarding their pest risk analysis and the map he distributed.

Dennis Peterson testified in support of the bill. He said county commissioners have also declared their support of making sericea lespedeza a state-wide noxious weed by placing it on their Kansas Association of Counties (KAC) legislative platform at their annual KAC Conference. He expressed concern with the invasion of sericea lespedeza into the Flint Hills region and its increasing infestation of CRP ground (Attachment 4). He responded to questions.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE Room 423-S-Statehouse, at 10:05 a.m. on January 23, 1996.

Dennis Klick spoke in support of the legislation, as he believes *Sericea Lespedeza* will probably test the noxious weed laws of Kansas, as it does not respect laws, mandates or property lines (Attachment 5).

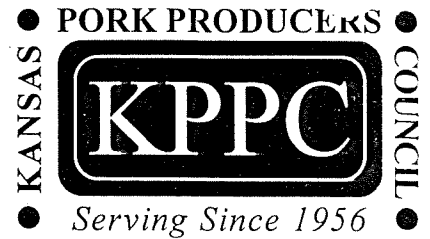
Committee time expired, and the Chairperson asked the conferees to return on January 24, for the continuation of the hearing on SB 446.

The next meeting is scheduled for January 24, 1996. The meeting adjourned at 11:04 a.m.

# SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 1/23/96

NAME	REPRESENTING
Jacques Dokes	
Don Ryan	Regan Community
Vanell Pledge	Page
Justin Doley	Page Topeka
Tom Turner	KGFA / KFCA
BILL R. Fuller	Kansas Farm Bureau
Kerri Elert	Kansas Dairy Association
Michelle Peterson	Peterson Public Affairs Group
Dennis Peterson	County Weed Directors of KS
Dennis H. Klick	County Weed Directors
William T. Scott	Kansas Dept. of Agriculture
Tan Sim	Kansas Dept. of Agriculture
FORREST ST. AUBIN	KS DEP'T OF AGRICULTURE.
Jamie Clover Adamo	KS Fertilizer & Chemical Assn
Marty Vanier	KS Ag Alliance
Mike Beam	KS LOSTK Assn.
Julie King	KS Department of Agriculture
L. Leslie Kaufman	FS Farm Bureau



## Introduction

The Kansas Pork Producers Council represents pork producers across the state. Since 1956, the organization has been involved in producer education programs, pork promotion and research initiatives. The producer membership has also charged the organization with monitoring regulatory and legislative issues affecting our industry.

## Background

The pork industry across the United States has experienced a phenomenal growth in the utilization of alliances and networking to enhance profitability. These alliances are often characterized by producers banding together in production ventures to own or control their own source of breeding stock, feed supplies and marketing.

Currently, Kansas law prohibits any family farm corporation or limited liability agricultural company from being involved as a stockholder in any of those same ventures. Producers in other states have experienced a revitalization of their own family farms when they were allowed to have the business tools to allow them to be competitive.

## Goals

The law changes, as we propose, would expand the authority of Limited Liability Agricultural Companies and Authorized Farm Corporations to allow Family Farm Corporations and Family Farm Limited Liability Agricultural Companies to participate as business entities.

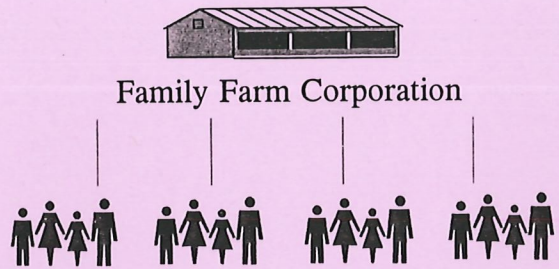
The common link in all these changes revolves specifically around family operations. The accompanying sheet graphically represents what the changes would allow. Also attached is specific legal language with the changes that we are seeking to accomplish.

*Senate Ag. Co.  
1-2396  
attachment 1*

# Multiple-ownership Business Structures Currently Available in Kansas

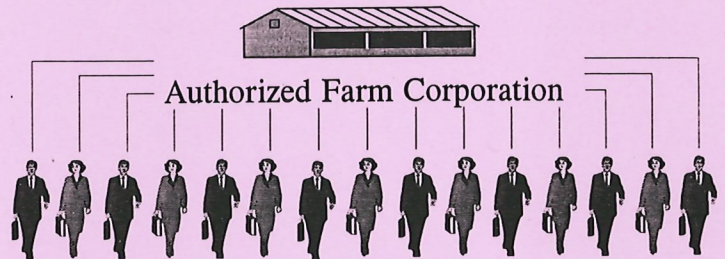
## Family Farm Corporation

1. The majority of stockholders must be related.
2. There is no limit on the number of stockholders.
3. All stockholders must be natural people.\*
4. At least 1 stockholder must be involved in daily management.



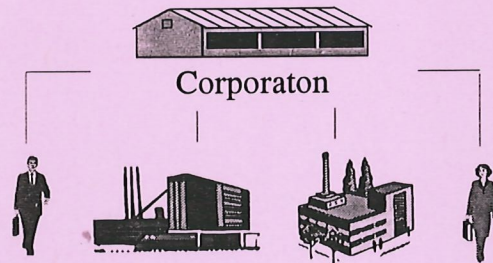
## Authorized Farm Corporation

1. The primary business is farming.
2. There are no more than 15 stockholders.
3. All stockholders must be natural people.
4. At least 1/3 of stockholders must be in daily management.



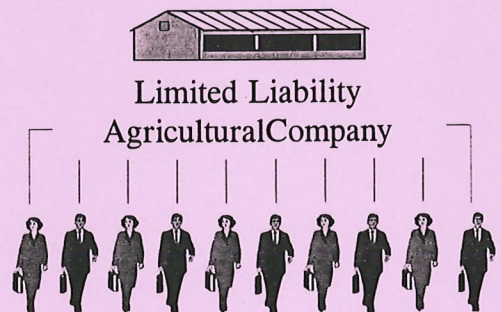
## Corporation

1. There is no limit on number of stockholders or type -- natural person, corporation, etc.
2. It is legal to raise hogs in Kansas only in approved counties.



## Limited Liability Company (Limited Liability Agricultural Company)

1. There are no more than 10 stockholders.
2. All stockholders must be natural people.
3. At least 1 stockholder must be involved in daily management.

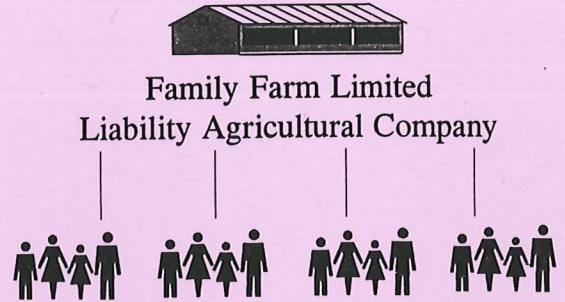


\*A natural person is an individual, not any type of business -- partnership, corporation, or other.

# Proposed Business Structures

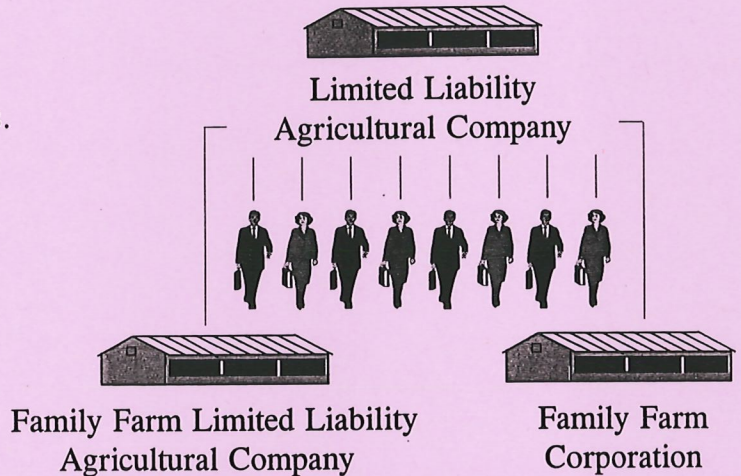
## Family Farm Limited Liability Agricultural Company

1. The majority of stockholders must be related.
2. There is no limit on the number of stockholders.
3. All stockholders must be natural people.\*
4. At least 1 stockholder must be involved in daily management.



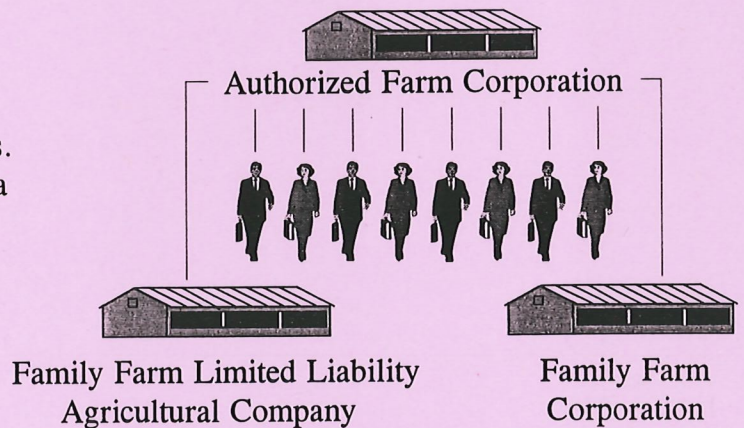
## Limited Liability Agricultural Company

1. There are no more than 10 stockholders.
2. Stockholders can be natural people, a Family Farm Corporation or a Family Farm Limited Liability Agricultural Company.



## Authorized Farm Corporation

1. The primary business is farming.
2. There are no more than 15 stockholders.
3. Stockholders may be natural people or a Family Farm Corporation or a Family Farm Limited Liability Agricultural Company



\*A natural person is an individual, not any type of business -- partnership, corporation, or other.

1) Family Farm Corporation

17-5903 (j) "Family farm corporation" means a corporation:

- (1) Founded for the purpose of farming and the ownership of agricultural land in which the majority of the voting stock is held by and the majority of the stockholders are persons related to each other, all of whom have a common ancestor within the third degree of relationship, by blood or by adoption, or the spouses or the stepchildren of any such persons, or persons acting in a fiduciary capacity for persons so related;
- (2) all of its stockholders are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons; and
- (3) at least one of the stockholders is a person residing on the farm or actively engaged in the labor or management of the farming operation. A stockholder who is an officer of any corporation referred to in this subsection and who is one of the related stockholders holding a majority of the voting stock shall be deemed to be actively engaged in the management of the farming corporation. If only one stockholder is meeting the requirement of this provision and such stockholder dies, the requirement of this provision does not apply for the period of time that the stockholder's estate is being administered in any district court in Kansas.

2) Authorized Farm Corporation

17-5903 (k) "Authorized farm corporation" means a Kansas corporation, other than a family farm corporation, all of the incorporators of which are Kansas residents *and/or Kansas family farm corporations and/or Kansas family farm limited liability agricultural companies* and which is founded for the purpose of farming and the ownership of agricultural land in which:

- (1) The stockholders do not exceed 15 in number;
- (2) the stockholders are all natural persons *or Kansas family farm corporations or Kansas family farm limited liability agricultural companies* or persons acting in a fiduciary capacity for the benefit of natural persons or nonprofit corporations *or Kansas family farm corporations or Kansas family farm limited liability agricultural companies.* .; and
- (3) ~~at least 30% of the stockholders are persons residing on the farm or actively engaged in the day to day labor or management of the farming operation. If only one of the stockholders is meeting the requirement of this provision and such stockholder dies, the requirement of this provision does not apply for the period of time that the stockholder's estate is being administered in any district court in Kansas.~~

~~For the purposes of this definition, if more than one person receives stock by bequest from a deceased stockholder, all of such persons, collectively, shall be deemed to be one stockholder, and a husband and wife, and their estates, collectively, shall be deemed to be one stockholder.~~

3) Limited Liability Agricultural Company

17-5903 (u) "Limited liability agricultural company" means a limited liability company founded for the purpose of farming and ownership of agricultural land in which:

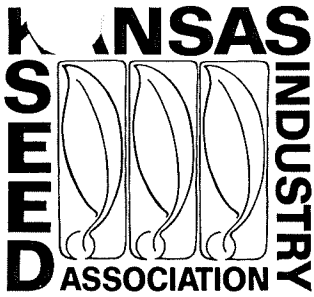
- (1) The members do not exceed 10 in number;
- (2) the members are all natural persons *or Kansas family farm corporations or Kansas family farm limited liability agricultural companies*, persons acting in a fiduciary capacity for the benefit of natural persons or nonprofit corporations, or general partnerships other than corporate partnerships formed under the laws of the state of Kansas; ~~and~~
- (3) ~~at least one of the members is a person residing on the farm or actively engaged in the labor or management of the farming operation. If only one member is meeting the requirement of this provision and such member dies, the requirement of this provision does not apply for the period of time that the member's estate is being administered in any district court in Kansas.~~

4) *Family Farm Limited Liability Agricultural Company*

*"Family Farm Limited Liability Agricultural Company" means a limited liability company:*

- (1) *founded for the purpose of farming and ownership of agricultural land in which the majority of the voting stock is held by and the majority of the stockholders are persons related to each other, all of whom have a common ancestor within the third degree of relationship, by blood or by adoption, or the spouses or the stepchildren of any such persons, or persons acting in a fiduciary capacity for persons so related;*
- (2) *all of its stockholders are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons; and*
- (3) *at least one of the stockholders is a person residing on the farm or actively engaged in the labor or management of the farming operation. A stockholder who is an officer of any corporation referred to in this subsection and who is one of the related stockholders holding a majority of the voting stock shall be deemed to be actively engaged in the management of the farming corporation. If only one stockholder is meeting the requirement of this provision and such stockholder dies, the requirement of this provision does not apply for the period of time that the stockholder's estate is being administered in any district court in Kansas.*





Christina A. Wilson  
Director of Member Services  
4210 Wam-Teau Drive  
Wamego, Kansas 66547  
913-456-9705 phone & fax

**STATEMENT OF  
KANSAS SEED INDUSTRY ASSOCIATION  
TO THE  
SENATE AGRICULTURE COMMITTEE  
SENATOR DAVID CORBIN, CHAIR  
RE: S.B. 446, CONCERNING SERICEA LESPEDEZA  
TUESDAY, JANUARY 23, 1996**

Chairman Corbin and Members of the Senate Agriculture Committee, I am Chris Wilson, Director of Member Services of the Kansas Seed Industry Association (KSIA). KSIA is the trade and professional organization for the state's seed industry. Our annual meeting and convention are underway in Wichita, and we apologize we cannot be present for the hearing.

We are writing concerning S.B. 446, making *Sericea Lespedeza* (currently a county option noxious weed in Kansas) a statewide noxious weed. **KSIA has chosen to remain "neutral" regarding this legislation, since *Sericea Lespedeza's* status will not have a direct economic effect on Kansas seedsmen.** In other words, Kansas seedsmen are not producing or selling *Sericea Lespedeza* at this time. **However, it is a crop, and in many states it is a very successful crop. Indeed in Kansas, it plays a role in successful forage mixes. If you choose to add *Sericea Lespedeza* to the noxious weed list, it will be the first time a crop has been made a noxious weed. As agronomists, we feel compelled to comment.**

This is a complicated issue, and we would like to share some information with you which we believe should be considered in making decisions about *Sericea Lespedeza* and whether it should be a county or state noxious weed.

***Sericea Lespedeza* is a commercial crop, and considerable effort has been given to its improvement.** There are now cultivars of *Sericea Lespedeza* being successfully utilized in beef cattle production. These newer cultivars bear little resemblance to the plant many Kansas ranchers picture in their minds when they hear the term "*Sericea*." Varieties such as AU Lotan (named after Auburn University, where

*Senate Ag Co  
1-23-96  
attachment 2  
2-1*

it was developed) are much softer-stemmed and low in tannins. Alabama researchers have established that lowering tannin content results in greatly increased crude protein and greater palatability and digestibility of dry matter.

There are several breeding programs active in the improvement of *Sericea Lespedeza*, including North Carolina, Alabama, Georgia and Kentucky. These programs are ongoing and will continue to release more cultivars of *Sericea Lespedeza*.

Given the wide range of adaptability both to climate and soil types (primarily from Southeast Kansas south and east); no nitrogen fertilizer requirement; perennial growth habit; drought tolerance; resistance to disease and insects and (in recent variety releases) good forage yield and quality; plus its potential for erosion control and its propensity to high-yielding seed crops, *Sericea Lespedeza* sounds like an alternative crop we should be promoting rather than prohibiting.

**We believe that the potential benefit to Kansas agriculture in the future from improved cultivars of *Sericea Lespedeza* may well outweigh the problems which some ranchers and weed directors are dealing with at present. We also believe the potential impact on farmers and ranchers and those in the hay industry must be carefully considered before declaring *Sericea Lespedeza* a county or state noxious weed.** *Sericea Lespedeza* has been included in numerous forage mixes in the past. Many for whom it is not currently a problem would be faced with eliminating it when it suddenly becomes "noxious."

We believe the restrictions which would be placed on the transportation of hay moving across county lines could pose much more of a problem than anticipated by those who would like to see *Sericea* declared noxious statewide. **The key to solving the problem is through effective control measures where *Sericea* is currently a problem**, rather than through the regulation of hay movement. Also, most of the counties in Kansas do not have a problem with *Sericea Lespedeza*. *Sericea* will not grow in most Kansas counties, and it is adaptable primarily to Southeast Kansas. While many unaffected counties have declared it noxious, the commissioners have done so at the request of their weed directors, not because it posed a problem for their counties or ever will.

**A question that must be answered before ranchers should be required to eliminate *Sericea Lespedeza* from their forages is how can they effectively and economically do so?**

A question often asked is how the undesirable variety of Sericea Lespedeza became a problem in Southeast Kansas. Primarily, it was planted by the state as a conservation crop and also included in forage mixes planted on CRP acres. Those forage mixes were generally brought in from out of state by county conservation districts who sold seed for CRP plantings.

As you consider S.B. 446, it is interesting to note that this bill would amend the Noxious Weed Law, but not the Seed Law. It is also interesting to compare the two lists in the law.

Kansas Noxious Weeds

- Kudzu
- Field bindweed
- Russian knapweed
- Hoary cress
- Canada thistle
- Quackgrass
- Leafy spurge
- Bur ragweed
- Pignut
- Musk thistle
- Johnson grass

Kansas Noxious Weed Seed

- Kudzu
- Field bindweed
- Russion knapweed
- Hoary cress
- Canada thistle
- Quackgrass
- Leafy spurge
- Bur ragweed
- Pignut
- Musk thistle
- Johnson grass
- Texas blueweed
- Sorghum alnum
- Any seed not distinguishable from Johnson grass

S.B. 446 would make Sericea Lespedeza (all varieties) a noxious weed, but not a noxious weed seed, and would not prohibit it in forage mixes sold in the state.

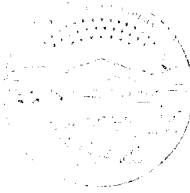
What is the seed industry's stake in this issue? Actually, declaring Sericea Lespedeza a statewide noxious weed would have minimal impact on our industry at this time. Because of the criticism and misunderstanding of this crop, there are no seed growers producing or actively marketing it at this time. However, we do believe it has potential as a crop in the future.

We believe Sericea Lespedeza's potential as a commercial crop and the problems which would be created for those who are properly managing it at this time should be carefully considered when decisions are made concerning its status as a county option or statewide noxious weed.

Thank you for taking the time to read our concerns. If you have any questions, please contact me at 913-456-9705 or the message center 234-5500, and we would be glad to respond.

STATE OF KANSAS

BILL GRAVES, GOVERNOR  
Alice A. Devine, Secretary of Agriculture  
901 S. Kansas Avenue  
Topeka, Kansas 66612-1280  
(913) 296-3558  
FAX: (913) 296-8389



KANSAS DEPARTMENT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE

TESTIMONY

TO THE

SENATE COMMITTEE ON AGRICULTURE

by

Thomas Sim IV  
Plant Protection Administrator

Presented January 23, 1996

Re: Senate Bill 446

Good morning Chairman Corbin and Members of the Committee. My name is Tom Sim and I am the Plant Protection Administrator in the Division of Plant Health. I am pleased to be here to present information to you about Senate Bill 446.

This bill proposes to change the status of sericea lespedeza from a county-option noxious weed to a statewide noxious weed.

Sericea lespedeza is native to Asia and was introduced into the United States in 1900 for erosion control. It was planted to strip mine areas in southeast Kansas in the 1930's and was established around state and federal reservoirs for wildlife cover in the 1940's and 1950's. Several commercial varieties of sericea lespedeza were developed by state and federal research stations between 1959 and 1978 for use as erosion control and pasture and hay land plantings, mostly in the southeastern United States.

Sericea lespedeza was made a county-option noxious weed by the legislature in 1988 at the request of several ranchers in Osage County. Kansas is the only state to have designated this plant as a noxious weed.

During 1995, the Kansas Department of Agriculture prepared a pest risk analysis on this plant. A pest risk analysis is a fairly new tool being adopted by plant pest regulatory agencies. The process has been defined by USDA and the National Plant Board. The process is basically a

*Send to Ag Co  
1-23-96  
Attachment 3 3-1*

fact-gathering and analyzing effort. Factors considered in the analysis include the scientific description of the organism, its habitat, associated pests, benefits, current status, and impact on a geographical area. High risk ratings were given to potential for spread, projected economic impacts, and projected environmental impacts. A moderate risk rating was given for other categories of risk.





Kansas counties currently have the authority to designate sericea lespedeza as a noxious weed within their borders. This declaration carries the same weight as if it were a statewide noxious weed. The provisions of the noxious weed law that apply to statewide noxious weeds also apply to county-option noxious weeds.

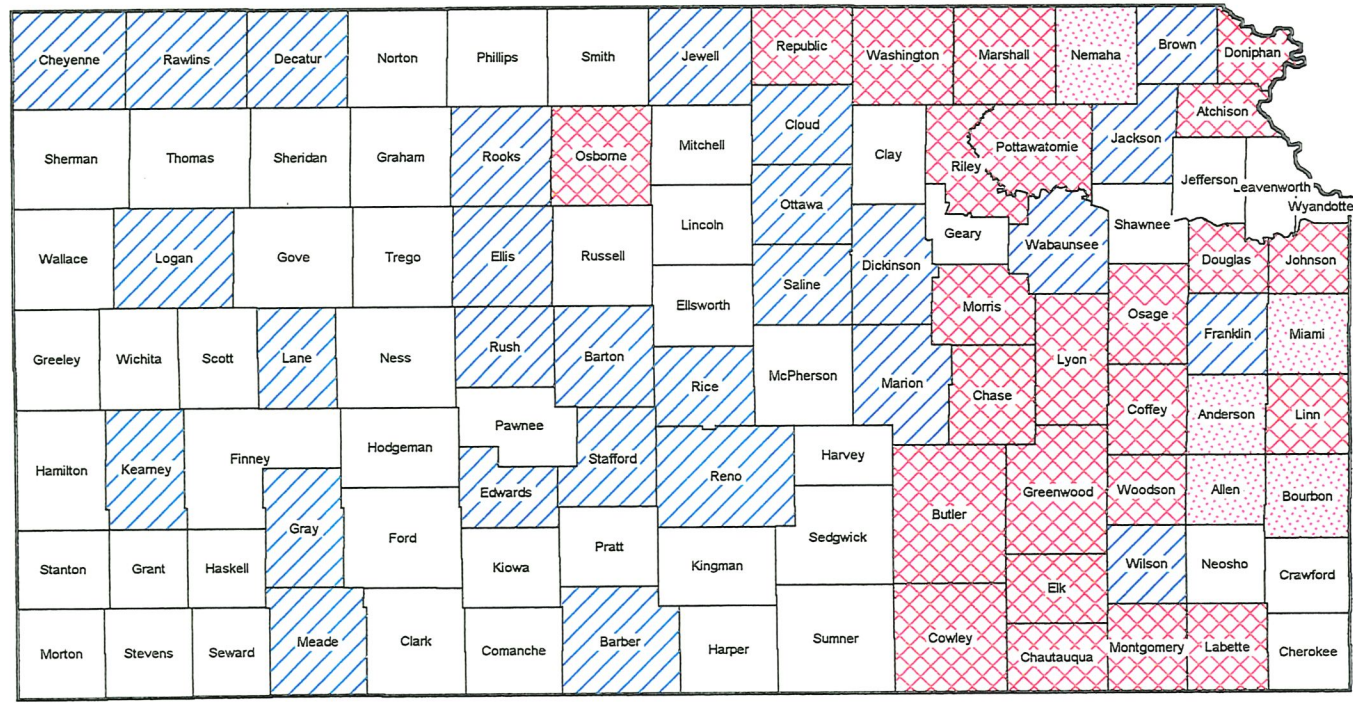
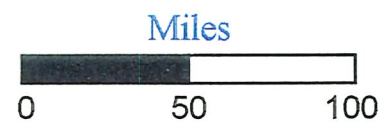
Fifty-two counties have declared sericea lespedeza noxious within their borders. Twenty-nine of those counties have reported the presence of sericea lespedeza. Five counties with known sericea lespedeza infestations have chosen not to declare it noxious. The attached map visually displays this information.

Thank you for allowing me to present this information.

# Status of sericea lespedeza in Kansas

## STATUS

-  noxious, uninfested
-  noxious, infested
-  not noxious, infested
-  not noxious, not infested



Infestation data obtained from 1994 annual county weed reports.

01/20/95

**COUNTY WEED DIRECTOR'S ASSOCIATION OF  
KANSAS**

**SENATE COMMITTEE ON AGRICULTURE**

**RE: S.B. 446 - An act relating to noxious weeds concerning  
sericea lespedeza.**

**January 23, 1996  
Topeka, Kansas**

**Presented by:  
Dennis Peterson, Past President  
County Weed Director's Association of Kansas**

**Chairman Corbin and members of the Committee:**

My name is Dennis Peterson. I am past president of the County Weed Director's Association of Kansas and director of the Riley County Weed Department. We appreciate the opportunity to express our support on Senate Bill 446.

Senate Bill 446 deals with moving sericea lespedeza from the county option noxious weed list to the state-wide noxious weed list. Sericea lespedeza was declared a county option noxious weed during the 1988 legislative session. At that time, there was not sufficient information available to declare this pest a state-wide noxious weed. In 1988, there were no chemical recommendations available for treatment of sericea lespedeza. Mowing was the only approved control method known. Today, after much plot work by our

association, Kansas State University, and several chemical companies, there are several cost effective control measures available.

During 1995, our association asked the Kansas Department of Agriculture to complete a pest risk analysis on sericea lespedeza. This study has been completed and the results show a high risk of this pest spreading beyond its colonized area, a high economic impact rating, a high environmental impact rating, a medium social or political impact rating, and an overall pest risk potential rating of high risk.

The county commissioners have also declared their support of making sericea lespedeza a state-wide noxious weed by placing this item on the KAC legislative platform last November at the 1995 Annual KAC Conference.

In asking for this change in the Noxious Weed Law, we are not in a ground breaking situation. Johnsongrass was the first county option noxious weed in the 1960's and was later declared a state-wide noxious weed when research showed its vast economic impact on agriculture. These two weeds are very similar in nature in that they both were originally planted as a hay crop. The problem arises when they escape from the hay fields and take over other cropping situations which causes a severe economic impact for the landowner.

Two areas of concern our association has with the explosion of sericea lespedeza are its invasion into the Flint Hills region and its increasing number of acres infested in CRP ground.

The Kansas Flint Hills is the last native tall grass prairie remaining in the United States. We feel that sericea lespedeza needs to be controlled and kept in check while only a very small percentage



of the Flint Hills is infested and not wait until an irreversible situation arises.

The Conservation Reserve Program has been a great benefit not only to Kansas agriculture but to wildlife and wildlife enthusiasts in Kansas. A large percentage of the sericea lespedeza population in Kansas is located in CRP ground and has been traced back to the seed that was planted. If this weed is not brought under control when the CRP contracts expire, there will be a very simple method of control utilized by a large number of farmers--the plow!

Hay production is an area of concern for ranchers in the state. Declaring sericea lespedeza a noxious weed statewide will have no impact on hay production in Kansas if the hay is properly managed. Sericea lespedeza sets seed in September which will not effect either cool season grass hayed in June or native grass hayed in July. Also, an infestation in alfalfa hay will be controlled with the three to five mowings per year in a normal haying situation.

Fertilization programs are also being examined as control methods. Cool season grass pastures and hay meadows under an intensive fertilization program appear to be somewhat resistant to sericea lespedeza infestations. The problem is that native grasses do not respond to fertilization and would only create other problems with broadleaf weeds responding to the fertilizer and encroaching on the native grass. The cost of fertilization on native grass would also be cost prohibitive.

The final item I would like to discuss is the problem of sericea lespedeza seed being spread across the state. Just declaring sericea lespedeza a state-wide noxious weed will not stop the problem of

contaminated grass seed or hay with seed being distributed across the state. All other state-wide noxious weeds are also listed as a prohibited noxious weed seed in the Kansas Seed Law. A large percentage of the sericea lespedeza infestations in CRP and along roadsides can be traced to contaminated seed or contaminated mulch hay.

In conclusion, I would like to thank you for this opportunity to express our support of Senate Bill 446 and ask that you consider examining the state seed law and its effect on controlling sericea lespedeza.

" The AIDS Virus of The Flint Hills  
and Tall Grass Prairies of Kansas."

By Dennis H. Klick  
Noxious Weed Director, Woodson County

AIDS stands for Agriculture Introduced Damn Sericea. This Aids virus differs from the Aids virus in humans in that you don't have to do anything to get it. Sericea doesn't care if you are a Republican or Democrat, male or female, black or white, young or old, rich or poor. It just doesn't care who you are.

Sericea was introduced as a wildlife habitat and for erosion control in the 1930's. Wildlife is one of the main ways seed is carried. Dr. Ron McGregor of the State Biological Survey, in Lawrence, Kansas tried to get Sericea declared a noxious weed when there was less than 25,000 acres. Now there is 200,000 plus acres and still going. Dr. McGregor has been quoted as saying that Sericea Lespedeza has the potential of being worse than Johnson Grass, Bindweed and Musk Thistle combined. As the Noxious Weed Director of Woodson County I hate to say it but look at my county. Woodson county has twice the acres of Sericea Lespedeza as it does Johnson grass, Bindweed and Musk Thistle COMBINED. Right now if Sericea Lespedeza were to be declared a noxious weed state wide it would become FOURTH on the list of acres infested in Kansas.

State wide it seems to be spreading at the rate of 50,000 acres per year. In Woodson county it is doubling in size every three years. This is proof that it is vital that Kansas take action NOW, or it will lose two of its most precious resources, the tall grass prairies and the Flint Hills.

Dr. Ron McGregor saw the second known colony of Musk Thistle in Nemaha County in 1940. It had grown to 300,000 acres by 1967, at which time it was declared a state wide noxious weed. Musk Thistle now covers 1,000,000 acres in Kansas. In comparison,

*Senate Ag Co  
1-23-98*

*Attachment 5.1*

(continued) Sericea was known to be in 21 counties in 1976. Now in 1996, Sericea Lespedeza has spread to over 40 counties and continues to infest more counties.

Sericea is a very "hardy" weed. You can spray this plant with a weak solution of chemical spray and it will suppress the plant for one whole year. Giving the landowner the false impression that they have controled the problem. However the root crown can and will survive one whole year with out sun light.

The old rule of thumb for grazing native grass, is take half leave half. To understand the extent of damage that Sericea can have on a pasture, take an example. If Sericea Lespedeza gets to the point that it covers half of your pasture, then although in the past that pasture sustained 40 head of cattle, now that Sericea Lespedeza has moved in, it now will be only able to provide enough forage for 20 head of cattle.

One tool to determine forage production is a A.U.M. analyzer, (animal unit per month). This method uses a hoop with a 93 inch circumference. The loop is randomly tossed, then where it lands you must clip all the plants within the hoop to the ground. Then seperate weedy material from the foragable material and weigh each. In one of the worst pastures in Woodson county there was 32oz. of Sericea Lespedeza and less than 2oz of grass. Comparatively in a ungrazed pasture with out Sericea Lespedeza it contained 36oz of native grass.

The bottom line is this, a pasture that becomes infested with Sericea Lespedeza will run out of grass in August. A pasture that is free of Sericea and is well maintained can last until October.

continued...

I have been a Noxious Weed Director for 11 years. I estimated there was 5,000 acres of Sericea Lespedeza in Woodson county in 1985. Woodson county now has close to 50,000 acres. Which makes it, the county with the most Sericea lespedeza in all of Kansas. If the state allows Sericea to spread till there is twice the amount of the total of Johnson grass, Bindweed, and Musk Thistle combined, then there will be close to 6 MILLION acres.

In Woodson County we had an increase of 10,000 acres in 1995. There was less than 1500 acres sprayed. Due to many factors.

With all the factors involved, it is my estimation that this is the weed that will test the Noxious Weed Laws of Kansas. This plant does NOT respect laws, mandates or property lines.

Therefore it is imparitive that this weed be made a state wide Noxious weed.

A.U.M. INFORMATION

Bressner	2X stocked	Grass 5oz. S.L. 5oz.
Monk	2X stocked sprayed in 1994	Grass 17oz.
Ward	Ungrazed sprayed 1994	Bluestem 36oz Switch 28oz.
Pringle	very little grazing sprayed in 1994 test plot	
	<hr/> untreated	Grass 20oz. Weeds 2oz. Grass 5oz. S.L. 6oz.
Gaskill	cow /calf untreated	S.L. 34oz. Grass 2oz.
Clarke	Cow / Calf sprayed 1993	Grass 16 oz.
Klick	<hr/> ungrazed	grass 36oz.
	infested ungrazed	Grass 16oz. S.L. 20oz.
McNett	Cow/calf treated in 1994	Grass 20oz.
	untreated	Grass 8oz. S.L. 8oz.
Alexander	overgazed	S.L. 162grams Grass 14grams