

Approved: 1/30/96
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on January 24, 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:
Representative George Dean
Bill Fuller, Kansas Farm Bureau
Tom Sim, Division of Plant Health, Department of Agriculture
Mike Beam, Kansas Livestock Association
Jamie Clover Adams, Kansas Fertilizer and Chemical Association

Others attending: See attached list

A motion was made by Senator Sallee to adopt the minutes of January 23. Motion was seconded by Senator Clark. Motion carried.

The hearing on **HB 2577 - authorizing the State Fair Board to purchase certain insurance**, was opened.

Chairperson Corbin called on Representative Dean to testify in support of the bill. The bill was introduced during the 1995 session and came to the committee very late in the session. The Chair said Mr. Robert Gottschalk, General Manager, Kansas State Fair told him the bill was important legislation for the fair board.

Representative George Dean, stated he was a member of the Kansas State Fair Board. He said the amount of insurance for liability for messenger and carriers is set by state statutes and it is no longer sufficient, therefore the board was seeking the authority to be allow to set the amount of coverage rather than have to come to the legislature every few years to ask for an increase. Responding to a questions, Representative Dean said the legislation had nothing to do with insurance on the state fair buildings.

The hearing was closed on **HB 2577**.

Chairperson Corbin announced the continuation of the hearing on **SB 446 - relating to noxious weeds; concerning sericea lespedeza**. He called on Bill Fuller.

Bill Fuller testified in support of the bill. He said at their annual meeting their voting delegates reached the decision that sericea lespedeza should be declared a noxious weed for all of Kansas (Attachment 1).

Tom Sim was called on to respond to a question regarding how the Division of Plant Health works with the county weed directors. He said they have a control plan that incorporates the tools necessary for controlling sericea lespedeza and they strongly encourage counties with problems to included these tools in their programs.

Mike Beam opposed **SB 446** as their organization believes current law establishes procedures for local landowners to address the problem without imposing unnecessary restrictions on everyone (Attachment 2).

Jamie Clover Adams said their association was taking a neutral position on whether to declare sericea lespedeza a noxious weed. However, they believe if it is a growing problem then it should be added to the noxious weed cost share list. And they would ask that the committee eliminate county weed directors ability

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE Room 423-S-Statehouse, at 10:00 a.m. on January 24, 1996.

to sell chemicals so that they could focus on controlling and eradicating noxious weeds (Attachment 3). Ms. Adams responded to questions regarding the roll county weed directors play in selling chemicals.

Responding to questions, Chairperson Corbin explained how chemicals were sold through the county noxious weed department.

The hearing on SB 446 was closed.

The next meeting is scheduled for January 25, 1996. The meeting adjourned at 11:00 a.m.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 1-24-96

NAME	REPRESENTING
Don Reese	Land Owner
Jamie Clower Adams	KS Fertilizer & Chemical Assn
Bessie Kaufman	Kansas Farm Bureau
Tom Tunnell	KS GRAIN & FEED ASSN.
Mike Jensen	KS Park Council
Mike Beam	KS LIVESTOCK ASSN.
NEWJENE SCHNEIDER	KS LIVESTOCK ASSOC.
Dele Carlson	KWMA
Kerri Ebert	KDA / KWMA
Chava McKee	Sen. Downey's intern
Julie King	KDA (KS Dept. of Agriculture)
Tom Sim	Kansas Dept. of Agriculture
Marty Vanier	KAA
Bill Fuller	Kansas Farm Bureau



PUBLIC POLICY STATEMENT

SENATE AGRICULTURE COMMITTEE

RE: S.B. 446 - Places Sericea Lespedeza on the Statewide Noxious Weed List.

January 23, 1996

Presented by:
Bill Fuller, Associate Director
Public Affairs Division
Kansas Farm Bureau

Chairman Corbin and members of the Committee:

Sericea lespedeza has been a topic of debate by the farm and ranch members of Farm Bureau for a number of years. In 1988, Kansas Farm Bureau supported H.B. 2623 authorizing sericea lespedeza to be declared noxious by county option. Since that time, we have supported education, management and labeling programs. Today, we appear before this committee in support of S.B. 446 that places sericea lespedeza on the statewide noxious weed list and repeals the plant's county option status.

My name is Bill Fuller. I am the Associate Director of the Public Affairs Division for Kansas Farm Bureau. The 411 Voting Delegates at the 77th Annual Meeting of Kansas Farm Bureau said it is

*Senate Ag Co
1-24-96
attachment 1 -1*

time to abandon the county option status and call for the statewide listing of sericea lespedeza as a noxious weed. This decision was reached after considerable debate concerning the risks associated with marketing prairie hay, costs of control and the fact that sericea lespedeza is technically classified as a "crop," not a weed. Many of our members in eastern, particularly southeast, Kansas are convinced sericea lespedeza is a serious problem.

Kansas Farm Bureau "Noxious Weeds" resolution for 1996 includes this language:

"Sericea lespedeza should be declared a noxious weed for all of Kansas. We support a labeling requirement to warn of the presence of Sericea lespedeza seed in any seed sold in Kansas. We believe individuals and agencies should be prohibited from knowingly planting Sericea lespedeza.

Sericea lespedeza was introduced into the U.S. by the USDA in the 1900's for erosion control. In the 1930's sericea lespedeza was planted on strip mined areas in southeast Kansas. In the 1940's and 50's it was planted around state and federal reservoirs for wildlife habitat. Sericea lespedeza contains 5-12 percent tannin which makes the plant unpalatable to livestock, with the exception of sheep and goats. Cattle may graze the plant early in the season, but it becomes woody and the least preferred pasture plant later in the season.

We appreciate this opportunity to express our support of S.B. 441. We will attempt to respond to any questions.

Thank you!



*A Century of Service
1894-1994*

January 23, 1996

To: Senate Agriculture Committee
Senator David Corbin, Chairman

Fr: Mike Beam, Executive Secretary, Cow-Calf/Stocker Division

Re: **Senate Bill 446** - Declaring Sericea Lespedeza a State Noxious Weed

Mr. Chairman and committee members, I am Mike Beam representing the Kansas Livestock Association (KLA). Our members have adopted a policy in opposition to declaring sericea lespedeza a state noxious weed. Our opposition to SB 446 should not be interpreted as apathy toward the numerous problems this plant is causing our landowners and county weed departments.

KLA represents over 7,000 members, many of whom are located in the Flint Hills and other areas of Southeast Kansas that are impacted by the presence of sericea lespedeza. I have visited with many ranchers who are frustrated, and at times angry, with their attempts to control and eradicate this plant. Sericea lespedeza can quickly spread in a pasture and dramatically reduce the forage production of the best managed grasslands. Its presence in Conservation Reserve Program acres has caused many landowners to lose a portion of their annual contract payments.

Despite our dislike for the plant, we question the necessity and wisdom of striking it from the list of "county" option noxious weeds, and designating it as a statewide noxious weed.

It appears the plant is not currently a threat in all areas of Kansas. The statutes now recognize it can be a problem and to date, 52 counties have declared it a noxious weed. The law (K.S.A. 2-1314b) specifically states all provisions of the noxious weed laws (Article 13 of Chapter 2) shall apply to the control and eradication of multiflora rose and **sericea lespedeza**, as designated in the county option section of the statutes.

The existing law (a) gives the Department of Agriculture authority to establish official control and eradication practices; (b) requires landowners and state/federal agencies to treat lands infested with noxious weeds; (c) empowers city/county/district weed supervisors to enter property and require treatment of infested lands; and (d) makes it unlawful to sell and transport infested seed, feed or

move equipment that contains a noxious weed seed. Why is it necessary to list the plant on the state noxious weed list?

As I interpret the statutes, moving sericea lespedeza from a county option noxious weed to one listed on the state list will give weed supervisors greater authority to control what products are transported into their jurisdiction. Is this really necessary? Doesn't current law provide sufficient parameters to control the plant if it's deemed a problem at the local level? We believe the existing statutes are adequate.

Designating the plant a noxious weed will likely impact the market for hay, especially the high quality prairie hay grown in the Flint Hills region. Cattlemen in western Kansas, and other states, are frequently purchasers of this feed. I could see it becoming more difficult to move hay and other feedstuffs to other regions of the country where sericea lespedeza is not a threat or concern. By the way, the current county option has already impacted hay producers. I know of at least one county that has shut off the shipment of hay outside the county after a certain date because of the potential threat of carrying sericea lespedeza.

There is much about sericea lespedeza we do not know. Kansas State University has ongoing research about the plant and how it may be economically controlled and eradicated. Our extension specialists are devoting considerable attention to this problem.

It's interesting to learn that researchers in other states are developing more desirable varieties. Because the plant needs little or no fertilizer, is a perennial plant, is drought tolerant, and resistant to disease and insects, it may hold promise as a more desirable forage and cover crop in the future.

In summary, we believe sericea lespedeza is a serious threat to pasture and rangeland in certain areas of the state. However, current law establishes procedures for local landowners to address the problem without imposing unnecessary restrictions on everyone. Let's concentrate our efforts in counties where it's deemed a problem and leave sericea lespedeza a county option noxious weed. Thank you!

Mr. Chairman and members of the committee, I am Jamie Clover Adams, Vice President of Government Affairs for the Kansas Fertilizer and Chemical Association (KFCA). We thank you for giving us the opportunity to appear today.

KFCA is the professional trade association for the state's plant nutrient and crop protection industry. Our nearly 500 members are primarily retail dealers scattered across Kansas. They sell and custom apply pesticides and fertilizers for Kansas producers. Our membership also includes distribution firms, manufacturer representatives, equipment manufacturers and others who serve the industry.

KFCA has always believed monitoring noxious weeds and enforcing their control and eradication is an appropriate function for county government. We also support county cost-share to producers. However, we do not believe the sale and application of chemicals to control noxious weeds on private lands is an appropriate role for government.

The Noxious Weed Law was written in 1937, when only Sodium Chloriate was available as a ground sterilant for field bindweed. This was before there was an established distribution network for agricultural chemicals, in fact, before chemical weed control was heard of. The basic premise of the sale of chemicals by the counties has not changed since and has not taken into consideration the evolution of an industry filled with sophisticated chemicals and sophisticated application professionals.

KFCA believes that if sericea lespedeza is a growing problem then it should be added to the noxious weed cost share list. However, KFCA also believes that if the legislature decides to give noxious weed directors and Department of Agriculture personnel another task, they should also consider repealing the law that allows county weed directors to become chemical salesmen. Repealing this responsibility will allow county weed directors to do their basic job -- see that noxious weeds are controlled or eradicated.

In 1985, Legislative Post Audit reported that counties in many cases were not fully enforcing the law. The report also stated that only about 60% of the infested acres were being treated. Noxious weed infestations continue to increase -- for instance the appearance of foxglove in southeast Kansas -- and cost producers in lost row crops and pasture production.

The focus of the county weed directors on chemical sales also impacts the Department of Agriculture. Plant protection section area people provide consultation to county weed directors. In addition, these five individuals also inspect nursery stock for export, issue phytosanitary certificates for grain exports and survey Kansas for pests that may inhibit our ability to export Kansas commodities. However, nearly 60% of their time is

*Senate Ag. Co
1-24-96
Attachment 3
3-1*

spent with county weed directors. If weed directors spent more of their time identifying noxious weeds and ensuring their control, less time would be spent by these KDA employees on noxious weed activities and more time would be spent ensuring we have markets for Kansas commodities.

KFCA has also found that in some cases county weed directors are shifting their responsibilities to private applicators. In one county, the county weed director stated that it was the private applicators responsibility to ensure the cost-share chemical was being sprayed on noxious weeds. In many cases the county does not verify the existence of the infestation and relies on private applicators to do their job. Further, counties will be spending tax dollars to install pesticide containment in the near future and are also liable for any chemical contamination.

If sericea lespedeza is a growing problem then it should be added to the noxious weed cost share list. However, we would ask the committee to eliminate county weed directors ability to sell chemicals so they can focus on controlling and eradicating noxious weeds.