

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on February 18, 1997, in Room 423-S of the Capitol.

All members were present except: Representative Showalter - excused

Committee staff present: Raney Gilliland, Legislative Research Department
Gordon Self, Revisor of Statutes
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Bill Fuller, Associate Director, Public Affairs Division, Kansas Farm Bureau
Charles Stroble, Longton, Kansas, Kansas Farm Bureau member
Chris Wilson, Director of Member Services, Kansas Seed Industry Association
Maurice Erickson, Eureka, Kansas, representing Kansas Livestock Association
Marty Vanier, Executive Director, Kansas Agricultural Alliance
Rodney Biesenthal, Pottawatomie County Noxious Weed Dept. (written only)

Others attending: See attached list

Hearing on HB 2289 - Sericea lespedeza classified as noxious weed and noxious weed seed.

Chairperson Flower opened the hearing on **HB 2289**.

Bill Fuller, Associate Director, Public Affairs Division, Kansas Farm Bureau, appeared in support of **HB 2289** that classifies *Sericea lespedeza* a noxious weed and a noxious weed seed statewide. Kansas Farm Bureau's policy statement on noxious weeds, developed and adopted at their 78th Annual Meeting, is attached to his testimony. (Attachment 1)

Charles Stroble, Longton, Kansas, farmer and Kansas Farm Bureau member, testified in support of **HB 2289**. He explained that although *Sericea lespedeza* was at one time recommended for soil erosion and wildlife habitat, it is now spreading into native pastures and reducing grass forage production, in some areas by as much as 50 percent. He said that while *Sericea lespedeza* is more prominent in eastern Kansas, it is a hearty plant and will adopt to the dryer western Kansas climate. (Attachment 2)

Chris Wilson, Director of Member Services of the Kansas Seed Industry Association, spoke in support of **HB 2289**. She said that while seedsmen do occasionally get requests for *Sericea lespedeza* seed in forage mixes, it is not sold by the seed industry in Kansas. She explained that the origin of the problem variety in the state is in conservation plantings, not through commercial seed channels in Kansas. (Attachment 3)

Maurice Erickson, Eureka, Kansas, rancher and Kansas Livestock Association member, appeared in strong support of **HB 2289**. He explained that when *Sericea lespedeza* was originally planted for soil erosion and wildlife habitat, it was not known that it would smother out and kill the native grasses. He said this plant is difficult and expensive to control. He didn't think making *Sericea lespedeza* a noxious weed would impact the prairie hay market provided the hay is harvested at the proper time. He said that although it is probably impractical to believe that the plant can be completely eradicated, additional research, education, lower cost chemicals, and passage of this legislation should help control the spread of *Sericea lespedeza*. (Attachment 4)

Marty Vanier, Executive Director, Kansas Agricultural Alliance, spoke in support of **HB 2289**. She said that by designating *Sericea lespedeza* a noxious weed on a statewide basis, efforts to eliminate the weed would be simplified and strengthened leading to a more thorough and consistent eradication program. (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on February 18, 1997.

Rodney Biesenthal, Pottawatomie County Noxious Weed Director and Vice President of the County Weed Directors Association of Kansas, provided written testimony in support of **HB 2289**. He states that the definition of a noxious weed is a plant that has the ability to destroy the financial viability of agriculture, and that *Sericea lespedeza* definitely fits the description. He expressed concern about who will bear the financial burden of controlling this plant. (Attachment 6)

John Kabus, Director, Shawnee County Noxious Weed Department, was in attendance and answered committee questions concerning the control and spread of *Sericea lespedeza*.

Mary Jane Stattelman, Chief Counsel for the Kansas Department of Agriculture, told the committee that the Department took no position on this issue.

Staff stated that on page 3, line 27, it may be necessary to specify other varieties of *lespedeza*, or *lespedeza* other than *Sericea lespedeza*.

This concluded the hearing on **HB 2289**.

Discussion and action on HB 2245 - Registration of seed cleaners; concerning certified seed varieties.

Chairperson Flower open discussion on **HB 2245**. Raney Gilliland reported that staff had visited with Chris Wilson, Director of Member Services, Kansas Seed Industry Association, concerning the proposed language on page 5, lines 15 - 21. Chris Wilson amended her balloon amendment to strike "and adopted by rules and regulations of the secretary" on page 5, line 15, and to add "and in effect on July 1, 1997," after the word "amended"; also to strike all of the proposed language on page 5, line 18, beginning with "Any" and to strike all of lines 19, 20 and 21. Since the word "conditioned" is already defined in the law, and cleaner and conditioner are used interchangeably, she proposed to use "conditioner" to be consistent with the law.

Representative Lloyd moved to adopt the amendment as presented by staff and Chris Wilson. Seconded by Representative Freeborn, the motion carried.

It was discussed whether or not to combine **HB 2245** and **HB 2289** since both bills deal with the Kansas Seed Law. The consensus of the committee was to leave them as separate bills. Representative Correll moved to pass **HB 2245** out favorably as amended. The motion was seconded by Representative Ballou. The motion passed.

Chairperson Flower asked committee members to review the minutes of February 11 and 13. If there are corrections or additions, members are requested to contact the committee secretary by 5:00 p.m. today, otherwise the minutes will stand approved as presented.

The meeting adjourned at 10:00 a.m. The next meeting is scheduled for February 19, 1997.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2/18/97

NAME	REPRESENTING
Maurice Erickson	KLA (Eureka)
Mike Bearr	K2 Luth. Assn
Jennifer Erickson	KLA (Eureka)
JOHN KADUC	CWD&K
Marty Vanier	KS Ag Alliance
Bill Fuller	KFR
Charles Stroble	Farmer and Rancher
BOB KLINE	CHAUTAQUA Co RANCHER
JOHN L. FALK	KANSAS DEPT OF AG
Mary Jane Stattelman	" " " "
Tom Sim	"
Curtis Stabel	"
Charles E. Otte	
JARED SIMM	INTERNS - Rep. Peggy Long
Joe Lieber	KS Co-op Council
Chris Wilson	KS Seed Industry Association



PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON AGRICULTURE

**RE: Classifying *Sericea lespedeza* as a noxious weed and
as a noxious weed seed.**

February 18, 1997

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

Chairman Flower and members of the House Committee on Agriculture, I am Bill Fuller, Associate Director of the Public Affairs Division for Kansas Farm Bureau.

Sericea lespedeza has been a topic of spirited debate by the farm and ranch members of Farm Bureau for a number of years. In 1988, Kansas Farm Bureau supported HB 2623 authorizing *Sericea lespedeza* to be declared noxious by county option. Since that time, we have supported education, management and labeling programs.

The problem continues to worsen. Today, we appear before your committee in support of HB 2289 that repeals the county option status and declares the plant the plant to be noxious statewide. Additionally, the bill prohibits the sale of *Sericea lespedeza* seed.

*House Agriculture Committee
February 18, 1997
Attachment 1*

The more than 435 Voting Delegates representing the 105 county Farm Bureaus developed and adopted policy on "Noxious Weeds" at the 78th Annual Meeting of Kansas Farm Bureau. The policy statement is attached to this statement for your review.

Sericea lespedeza is a bushy, woody, perennial that grows up to 4 feet tall. The plant is reducing the production, and in some cases is destroying, thousands of acres of native grass each year. *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.

Sericea lespedeza was introduced into the United States by the USDA in the 1900's to reduce soil erosion. In the 1930's *Sericea lespedeza* was planted on strip mined areas in southeast Kansas. In the 1940's and 1950's it was planted around state and federal reservoirs for wildlife habitat.

We respectfully ask you to approve and advance HB 2289. Our farm and ranch members thank you for giving them the tools to fight and control this dreaded plant that is invading and destroying Kansas grasslands.

Noxious Weeds

Noxious weed eradication should have a high priority with state government and with each of our 105 counties. We believe the Kansas Department of Agriculture should be given appropriate authority to make a determination of noxious weeds, authorize counties to control and eradicate noxious and objectionable weeds and the seed of such plants, and vigorously enforce noxious weed laws on both privately and publicly held land. It should be the responsibility of any governmental entity, railroad or regulated utility holding or managing land to control and eradicate noxious weeds and detrimental plants on that land. Control procedures should include use of herbicides, cultural and biological methods. Cost share incentives used for herbicides to control noxious weeds should continue to be available through County Weed Departments.

Landowners and tenants should be authorized to conduct timely spraying and mowing to control noxious and other objectionable weeds and grasses on rights-of-way adjacent to their own land.

Sericea lespedeza should be declared a noxious weed for all of Kansas. We support amending the Kansas Seed Law to prohibit 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*. We support additional research and technical assistance to help landowners utilize management practices which reduce the population of *Sericea lespedeza* in grasslands.

February 18, 1997

RE: Bill H2289
Noxious Weeds

House Agricultural Committee:

I believe that *Sericea lespedeza* has become a big problem in most of the State.

What is it? It is a plant that can shade out about a three to four foot circle like a bush. It gets four to six feet tall and has several woody branches similar to those that grow on a tree. Cattle will not eat it at that growth stage. In wetter seasons it gets bigger than in dryer seasons. In a solid stand you can not walk through it. It has a very deep root and will use a lot of moisture thorough the growing season.

How did we get it here? It was recommended for planting in the 1950's soil bank program. For several years it was used for erosion control and a wildlife game plant.

But now, it is spreading into our native pastures and reducing our grass forage production. Area agronomist for Southeast Kansas, Gary Kilgore says, "In some areas in the Flint Hills, infestations are reducing grass forage yields by (50) fifty percent". In Elk County, on the right years, I could show you areas that are a lot worse than that.

Sericea lespedeza started getting a lot of attention in my area when we began seeing it in the Conservation Reserve Program "CRP" fields. It was in the seed when they planted their CRP grasses under the labeling of other crops on the seed tag. It will sure spread in those fields or pastures where no grazing or haying is done, such as the CRP fields.

It is more prevalent in Eastern Kansas. But it is also a hearty plant and will adapt to the dryer Western Kansas climate.

One of the largest concerns is what does this do to the hay movement if it is declared a noxious weed. Our current noxious weed law would allow the *Sericea* plant in the hay but no plant with seeds on it. The *Sericea* plant goes to seed in mid August to September. A timely prairie haying is in July. There should be no problem for hay buyers or sellers if hay is put up properly.

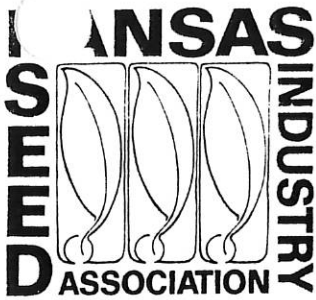
Our area certainly needs your support in getting this problem under control and I urge you to make this a noxious weed. I would like to thank you for allowing me to share with you of my concerns.

Respectfully submitted

Charles Stroble

Charles Stroble
RR#1 Box 21
Longton, KS 67352
316-642-2405

*House Agriculture Committee
February 18, 1997
Attachment 2*



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

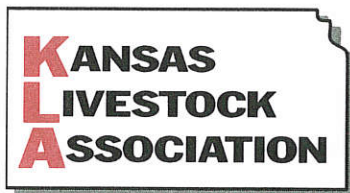
**STATEMENT OF KANSAS SEED INDUSTRY ASSOCIATION
TO THE HOUSE AGRICULTURE COMMITTEE
REPRESENTATIVE JOANN FLOWER, CHAIRPERSON
REGARDING H.B. 2289,
MAKING SERICEA LESPEDEZA A STATEWIDE NOXIOUS WEED**

Madam Chair and Members of the Committee, I am Chris Wilson, Director of Member Services of the Kansas Seed Industry Association (KSIA). KSIA is the professional organization of seedsmen in Kansas. Kansas seedsmen understand that sericea lespedeza has become such a problem in some areas of the state that there is strong support for adding it to the list of statewide noxious weeds and noxious weed seed.

While seedsmen do occasionally get requests for sericea lespedeza seed in forage mixes, it is not sold by the seed industry in Kansas. The origin of the problem variety in the state is in conservation plantings, not through commercial seed channels. These conservation plantings were done by state agencies and through seed sold by conservation districts for the Conservation Reserve Program. The forage mixes sold by conservation districts for CRP were brought in from out of state.

Sericea lespedeza is a crop, as well as a noxious weed to many Kansans, and university research in the southeast United States has had success in breeding varieties which are lower in tannin content, with less woody stems. These new varieties have proven to be good forage sources for cattle. Unfortunately, the proliferation of their undesirable cousin in Kansas has rendered it a weed - a plant out of place, to the degree it is noxious.

*House Agriculture Committee
February 18, 1997
Attachment 3*



Since 1894

February 18, 1997

To: House Agriculture Committee

Rep. Joann Flower, Chairperson

Fr: Maurice Erickson
Rt. 1 Box 41
Eureka, KS 67045

Re: House Bill 2289 - Declaring Sericea Lespedeza a State Noxious Weed and a Prohibitive Weed Seed

The Kansas Livestock Association, existing since 1894, is a statewide trade organization of over 7,000 individuals with a primary interest in farming, ranching, and beef cattle production. Maurice Erickson is a KLA Board member, and currently serves as chairman of the association's Natural Resources Committee.

Madam Chairperson and committee members, my name is Maurice Erickson. I am a rancher in Greenwood County, in the heart of the Flint Hills, northwest of Eureka, Kansas. I consider my area one of the best cattle grazing areas in the country and the world. My wife, Sue, and I own 1,700 acres and lease another 3,000 acres that we early intensive graze (double stock) with yearlings. We don't consider it a big operation, but we do have one big problem. That problem is **sericea lespedeza**.

Sericea lespedeza is a non-native plant (China) that was introduced in the southeastern part of the United States about 100 years ago. Several years ago it was used by the Soil Conservation Service for erosion control. The Kansas Department of Wildlife and Parks planted it as habitat for quail and other wildlife species. It serves these purposes well. What was not known at that time, however, is that it will smother out and kill our native grasses of big bluestem, little bluestem, indian grass, switch grass, and just about anything else when it gets established.

*House Agriculture Committee
February 18, 1997
Attachment 4*

This plant is difficult to control. Chemical treatment is not cost-effective. The per acre cost to spray pasture land is more than the annual gross rental income a landowner usually receives. I know, for I have been fighting sericea lespedeza for several years on a spot treatment basis. Last year I decided to treat an entire half section because I was losing ground on the spot treatment method. It cost \$18.35 an acre, or \$5,872.00 for the 320 acres.

Some may say designating the plant noxious on a statewide basis will likely impact the prairie hay market. I don't believe that to be true. If hay is harvested at the proper time, there will not be sericea lespedeza seed in the hay and therefore pose no danger of spreading. Cattle will eat small portions of the plant in the early stages of growth and in hay harvested at the proper time. The only problem I see with the hay market may be hay cut late for road mulch. If there is sericea lespedeza in mulch hay, the parties selling the hay, road contractors, and the state should all be held accountable.

Declaring sericea lespedeza a noxious weed on a statewide basis probably won't help me in Greenwood County. It's already been declared noxious there. I urge you, however, to declare it noxious statewide and amend the seed law. Hopefully, this legislative action will slow down the infestation in other areas of state. I can guarantee you, if you don't have it, you don't want it. And if you do have it, you would just as soon you didn't!

While I am not an advocate of government involvement in handouts or cost share programs, I would encourage you to support efforts to allow county weed departments to combine their efforts and resources in the purchase and distribution of chemicals at a cheaper rate for treating land infested with sericea lespedeza. The serious infestation of our pastures and rangeland has evolved over several years and ranchers did not ask for and are not responsible for its existence today.

In summary, I believe sericea lespedeza is a serious threat to the value and use of native grasses in the Flint Hills and the entire state. It's impractical to believe we can eradicate the plant. We need to utilize a variety of tools, such as additional research, education, lower cost chemicals, and amendments to the noxious weed and seed laws. Through all of these steps we may have a chance in controlling sericea lespedeza.



KANSAS AGRICULTURAL ALLIANCE

STATEMENT OF THE
KANSAS AGRICULTURAL ALLIANCE
BEFORE THE
HOUSE AGRICULTURE COMMITTEE
JOANN FLOWER, CHAIRMAN
REGARDING HB 2289
FEBRUARY 18, 1997

The Kansas Agricultural Alliance (KAA) is a coalition of agribusiness organizations that span the full spectrum of Kansas agriculture, including crop, livestock and horticultural production, agricultural suppliers, allied industries and professions.

The Alliance supports HB 2289.

By designating *Sericea lespedeza* a noxious weed on a statewide basis, efforts to eliminate the weed are simplified and strengthened and producers are able to share the cost of the chemicals necessary to carry out the eradication program. This will lead to a more thorough and consistent eradication program.

The Kansas Agricultural Alliance urges your support of HB 2289.

*House Agriculture Committee
February 18, 1997
Attachment 5*

Pottawatomie County Noxious Weed Dept.
Rt.. 1 Box 14 A
Westmoreland, KS 66549
(913)457-2888

I am Rodney Biesenthal, Pottawatomie County Noxious Weed Director for 10 years and the Vice President of the County Weed Directors Association of Kansas.

I apologize for not being able to attend this hearing. Personal obligations have kept me from being here today.

Our organization does support *Sericea Lespedeza* as a Noxious Weed. We supported it in 1995 and 1996 and will continue to support it in 1997. The definition of a Noxious Weed is- a plant that has the ability to destroy the financial viability of agriculture. This plant definitely does fit this definition. Treatments for *Sericea Lespedeza* start at approximately \$10.00 per acre for herbicide plus application fees and increase to \$20.00 per acre. As you may already know, Flint Hills pasture rents for approximately \$15.00 per acre and control is not 100% with chemicals. Therefore, repeat chemical application is required. I am doubtful that anyone will disagree that the plant is an invader and does hold the potential to destroy true native pasture.

The only real negative is who is going to carry the financial burden of controlling this plant? Many Flint Hills counties do not have the finances to cost share chemical sales to landowners. Even though we have KAC support, you may receive calls and letters from some local governments in opposition to this bill due to the financial concerns.

Let me assure you that native grass hay or brome grass hay baled in season will not have *Sericea* seed in the hay. It may have plant vegetation, but no seed will be present if baled in season. Mulch hay baled in October or November will have seed and will be a problem.

The CWDAK holds an annual conference. This year the conference is being held at the Holiday Inn West in Topeka on March 4,5 & 6. On March 5 at 3:30 pm., Dr. C.S. Hoveland from the University of Georgia will speak to our organization. Dr. Hoveland is the nations leading authority on *Sericea Lespedeza*. I would like to invite you to attend if at all possible. I am sure that Dr. Hoveland will shed a lot of light on Managing and reducing this plant.

Let me close by saying our association does strongly support *Sericea Lespedeza* as a Noxious Weed and that this plant needs to be checked before it becomes another Musk Thistle.

Rodney Biesenthal

January 1, 1996 Approximately 250,000 acres of *Sericea Lespedeza* had been reported to the KDA

*House Agriculture Committee
February 18, 1997
Attachment 6*