

Approved: 3-17-97
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Steve Morris at 10:00 a.m. on March 13, 1997 in Room 423-S of the Capitol.

All members were present except: All present

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

Conferees appearing before the committee:

Bill Fuller, Associate Director, Public Affairs Division, Farm Bureau
Doug Wareham, Vice President of Government Affairs, Kansas Fertilizer and Chemical Association
Rodney Biesenthal, County Weed Director's Association of Kansas
Maurice Erickson, Kansas Livestock Association
Chris Wilson, Director of Member Services, Kansas Seed Industry Association
Richard Pringle, Yates Center

Others attending: See attached list

Senator Huelskamp made a motion to approve the minutes of the March 11 and March 13 meetings as submitted. Senator Umbarger seconded. Motion carried.

HB 2245 **concerning agricultural seeds**

Bill Fuller, Kansas Farm Bureau, testified in support of **HB 2245**. He based his organization's support on the Seed Law policy revised and adopted by their voting delegates at their annual meeting (Attachment 1). He stated **HB 2245** would change the terminology "seed cleaner" to "seed conditioner" and would require biennial registration of seed conditioners with the Secretary of Agriculture.

Doug Wareham, Kansas Fertilizer and Chemical Association, provided testimony in support of **HB 2245** (Attachment 2). He stated that registration of seed conditioners ensures that in any future case where the quality of Kansas seed is at question, individuals or firms in the seed cleaning business would receive timely information of any possible malady.

HB 2289 **concerning agriculture; relating to sericea lespedeza**

Rodney Biesenthal, County Weed Directors Association of Kansas, testified that his organization does support designating sericea lespedeza as a noxious weed (Attachment 3). He stated the definition of a noxious weed is a plant that has the ability to destroy the financial viability of agriculture and sericea lespedeza does fit this definition.

Bill Fuller, Kansas Farm Bureau, appeared before the Committee to support **HB 2289** which would repeal the county option status of sericea lespedeza and declare sericea lespedeza to be noxious statewide and prohibit the sale of sericea lespedeza seed (Attachment 4).

Maurice Erickson testified that sericea lespedeza is a non-native plant introduced in the southeastern part of the United States about 100 years ago and within the past several years was used by the Soil Conservation Service (USDA) for erosion control. He stated the Kansas Department of Wildlife and Parks planted it as a habitat for quail and other wildlife species and it serves these purposes well. He stated that what was not known at that time was that sericea lespedeza will smother out and kill native grasses when it gets established. For that reason, Mr. Erickson said he supports **HB 2289** so that county weed departments may combine their efforts and resources in the purchase and distribution of chemicals at a cheaper rate for treating land infested with sericea lespedeza (Attachment 5).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 10:00 a.m. on March 13, 1997.

Chris Wilson, Kansas Seed Industry, testified in support of **HB 2289** (Attachment 6).

Richard Pringle of Yates Center provided testimony in opposition to **HB 2289** (Attachment 7), stating that he believes they should continue the county option plan.

Written testimony was provided by Marty Vanier, Executive Director, Kansas Agricultural Alliance (Attachment 8).

The hearing on **HB 2289** was closed.

Senator Corbin made a motion to pass favorably **HB 2245**, as amended, and including the correction in the numerical listing on page 6, line 1. Senator Umbarger seconded the motion. The motion carried.

The meeting was adjourned at 11:00 a.m.

The next meeting is scheduled for March 17, 1997.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 3-13-97

NAME	REPRESENTING
Richard Dingle	Producers
Doug Wareham	Ks. Fert + Chem. Assn.
Megan Neal	KFB (meade co.)
Tom Sim	Kansas Dept. of Agriculture
Dicenta Mitchell	Ks. Dept. of Agriculture
JOHN FARK	KS DEPT OF AG
Jessica Small	KFB (meade co.)
Kayla Amerin	KFB - Meade Co.
Produce Biesenenthal	Pott Co NXWD (CWOAK)
Bill Sulber	Kansas Farm Bureau
Frances Felts	K F B
Ryan Rollings	Montgomery county
Mark Holliday	Montgomery county
Tommy Felts	Montgomery County
Chris Wilson	KS Seed Industry Assn
Jacob Sany	Farm Bureau
Deigh Dantes	Farm Bureau
Julie Bland	Farm Bureau
Brad Daniels	Farm Bureau (Labette)

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: _____

NAME	REPRESENTING
Brian Sanders	Kansas Farm Bureau (Lubette)
Jennifer Erickson	KLA
Maurice Erickson	KLA
JOHN KABUS	CWDAR
Nikki Biesenthal	Onaga School Student
Cindy Denton	DOE



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON AGRICULTURE

RE: HB 2245 - Amendments to the Kansas Seed Law

**March 11, 1997
Topeka, Kansas**

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

Senator Morris and members of the Senate Committee on Agriculture, I am Bill Fuller, Associate Director of the Public Affairs Division for Kansas Farm Bureau.

We certainly appreciate this opportunity to present the views of the farmers and ranchers who are members of the 105 county Farm Bureaus in Kansas. Seed Law Policy revised and adopted by the more than 435 Voting Delegates at the 78th Annual Meeting of Kansas Farm Bureau is attached to this statement.

*Senate Agriculture
Attachment 1
March 13, 1997*

HB 2245 proposes two changes to the Kansas Seed Law. The first concerns seed cleaners and the other is an update to include recent amendments to the federal Plant Variety Protection Act.

HB 2245 on page 4, line 33 changes the terminology of "Seed cleaner" to "Seed conditioner" and defines the term as any person who is in the business of cleaning seed for a fee or compensation. Lines 32 to 36 on page 6 requires biennial registration of seed conditioners with the Secretary of Agriculture. No fee is proposed.

The intent is to be able to identify and provide information to seed cleaners whenever grain fungus or disease outbreaks occur. The most serious recent problem was with Karnal Bunt. It is extremely important to know whenever seed cleaners come into Kansas from any state where this dreaded condition exists.

Kansas Farm Bureau policy clearly supports the seed cleaner registration proposal in HB 2245.

The current Kansas Seed Law references and requires compliance with the provisions of the federal Plant Variety Protection Act. HB 2245 authorizes the Secretary of the Kansas Department of Agriculture to adopt by rules and regulations the 1994 amendments to the federal PVPA.

The federal PVPA protects the intellectual property rights and gives the plant breeder the opportunity for financial gain when developing a new variety. The federal law does permit farmers to save and plant seed they raise for use on their own farm. The adoption of the 1994 amendments to the PVPA proposed in HB 2245 does not change this.

We continue to believe farmers should have the opportunity for occasional, private treaty sales of small quantities of seed. While we recognize the federal act limits activity to only non-protected varieties, we believe the activity by seed companies and state regulators has been adequate and prudent and should not be significantly different in the future.

While Kansas Farm Bureau is not calling for the State to adopt the 1994 amendments to the federal PVPA, we believe HB 2245 is compatible with past and current policy. We have in the past, and continue today, supported the general objective of the federal PVPA, respect the intellectual property rights of those individuals and companies developing new varieties and recognize that farmers benefit from a strong plant breeding and seed industry.

Thank you for considering the views of the Farm Bureau farm and ranch members on this important public policy issue.

Seed Law

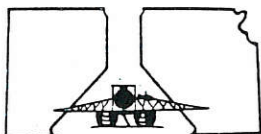
AG-18

The Kansas Seed Law protects both the buyer and seller of seed. We believe the Kansas Seed Law should continue to allow occasional, private treaty sales between farmers of varieties not covered by the federal Plant Variety Protection Act. We support the existing provisions in state law that exempt farmer-to-farmer sales from testing and labeling.

The prohibition on the sale of seed containing any noxious weed seed or restricted weed seed exceeding statutory tolerances should be strictly enforced.

Because of our concern about the possible spread of Karnal bunt, TCK or any other grain fungus or disease, we support creation of a program within the Kansas Department of Agriculture relating to seed cleaners, custom harvesting and grain transportation equipment.

KANSAS FERTILIZER & CHEMICAL ASSOCIATION



KFCA is COMMITTED
TO PROFESSIONAL
DEVELOPMENT AND
BUSINESS VIABILITY FOR
THE PLANT NUTRIENT
AND CROP PROTECTION
INDUSTRY IN KANSAS.

**STATEMENT OF THE
KANSAS FERTILIZER & CHEMICAL
ASSOCIATION
TO THE
SENATE AGRICULTURE COMMITTEE
SENATOR STEVE MORRIS, CHAIRMAN
REGARDING H.B. 2245
MARCH 11, 1997**

*Senate Agriculture
Attachment 2
March 13, 1997*

The Kansas Fertilizer and Chemical Association

..... a voluntary professional association for those involved in the plant nutrient and crop protection industry. KFCA represents our nearly 500 members interests in legislative matters at all levels of government, as well as providing educational opportunities and business services. The industry is committed to professional development and business viability for the plant nutrient and crop protections retail industry.

Mr. Chairman and members of the Committee, I am Doug Wareham, Vice President of Government Affairs for the Kansas Fertilizer and Chemical Association (KFCA). We appreciate the opportunity to appear today in support of H.B. 2245.

KFCA is the state's trade association for the plant nutrient and crop protection industry. KFCA's nearly 500 members are primarily retailers, but also include distribution firms, manufacturer representatives and others who serve the industry.

The Kansas Fertilizer and Chemical Association believes H.B. 2245 addresses two very important issues. First, by requiring the registration of seed cleaners in Kansas, H.B. 2245 ensures that in any future case where the quality of Kansas seed is at question, those individuals or firms in the business of cleaning seed can receive timely information of any possible malady. This will help ensure seed provided to Kansas producers is free of any limiting factor.

KFCA also supports H.B. 2245 language updating Kansas regulations regarding the Plant Variety Protection Act as recently amended. KFCA firmly believes businesses which invest large amounts of moneys in research and development of new plant varieties should be afforded the opportunity to protect their product and recover their costs through the free market system.

Thank you for this opportunity to appear in support of H.B. 2245. I would be happy to answer any questions you may have.

Testimony for Senate Ag. Committee (H.B. 2289)

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

Our organization does support *Sericea Lespedezia* 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 Lespedezia* 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.

Let me close by saying our association does strongly support *Sericea Lespedezia* 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 Lespedezia* had been reported to the KDA

*Senate Agriculture
Attachment 3
March 13, 1997*



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON AGRICULTURE

RE: HB: 2289 - Classifying *Sericea lespedeza* as a noxious weed statewide and as a noxious weed seed.

March 13, 1997

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

Chairman Morris and members of the Senate 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.

*Senate Agriculture
Attachment 4
March 13, 1997*

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.

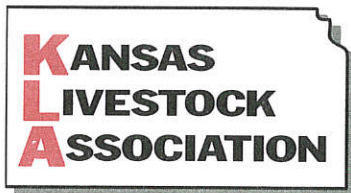
We respectfully ask you to approve and advance HB 2289. Our farm and ranch members thank you for giving them the tools to fight and control this dreaded plant that is invading and destroying Kansas grasslands.

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.



Since 1894

March 13, 1997

To: Senate Agriculture Committee

Senator Steve Morris, Chairman

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.

Mr. Chairman 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.

*Senate Agriculture
Attachment 5
March 13, 1997*

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.

**STATEMENT OF KANSAS SEED INDUSTRY ASSOCIATION
TO THE SENATE AGRICULTURE COMMITTEE
SENATOR STEVE MORRIS, CHAIR
REGARDING H.B. 2289,
MAKING SERICEA LESPEDEZA A STATEWIDE NOXIOUS WEED**

Mr. Chairman 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 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.

We defer to the judgment of Kansas farmers and ranchers in determining whether sericea lespedeza should be declared a statewide noxious weed.

*Senate Agriculture
attachment 6
March 13, 1997*

CHAIRMAN MORRIS AND MEMBERS OF THE SENATE AGRICULTURE COMMITTEE:

I AM RICHARD PRINGLE OF YATES CENTER, WOODSON COUNTY. I AM FULLY AWARE OF YOUR BUSY SCHEDULE AND WILL TRY TO BE BRIEF AND CONCISE.

CONSIDERING THE MOMENTUM WITH WHICH HB 2289 RACED THROUGH THE HOUSE, I FEEL THAT DEBATING THE SERICEA LESPEDEZA ISSUE IS LIKE WALKING UP-HILL INTO A NORTH WIND IN A FOOT OF MUD.

THIS COMMITTEE VOTED LAST YEAR TO MAINTAIN THE PRESENT COUNTY OPTION WITH COUNTY COMMISSIONERS MAKING DECISIONS FOR THEIR RESPECTIVE COUNTIES. THE EXISTING PENALTY SYSTEM FOR NOXIOUS WEEDS IS NOT FAIR OR JUST WHERE SERICEA IS CONCERNED BECAUSE WE DON'T HAVE A PROVEN METHOD TO CONTROL THE PLANTS OR SEEDLINGS. WE HAVE BEEN MANAGING SERICEA FOR OVER 25 YEARS. FOR INSTANCE, WE HAVE LEASED THE CLYDE HILL RANCH IN WOODSON COUNTY FOR 36 YEARS. MR. HILL COOPERATED WITH KANSAS STATE UNIVERSITY OVER 20 YEARS AGO TO KEEP SERICEA IN BALANCE WITH OUR RANGE GRASSES. ALSO, WE HAVE LEASED THE BLAKE TRUST LAND FOR 52 YEARS WHERE PIPE LINES WERE LAID DURING THE THIRTIES. SERICEA WAS SOWN ON THESE DISTURBED AREAS WHICH WAS THE RIGHT DECISION. I WOULD RATHER BE MANAGING SERICEA TODAY THAN HAVE THAT LAND SCoured AND WASHED AWAY DOWN TO ROCK.

SOME PEOPLE BELIEVE A LAW SUCH AS THE BILL IN QUESTION WOULD INITIATE A MASSIVE STATE AND FEDERAL SPENDING PROGRAM. WE DO NOT BELIEVE INCREASED FUNDING IS THE DIRECTION OUR COUNTRY IS WANTING NOR SHOULD IT BE. THE BOTTOM LINE IS THAT PRODUCERS HAVE COPEd WITH THESE PROBLEMS BEFORE AND WITH COOPERATION AND EXPERTISE FROM EXTENSION AND CONSERVATION SPECIALISTS WE CAN CONTINUE TO DO SO. THIS IS A BETTER PATH THAN STATE OR FEDERAL MANDATES.

THANK YOU FOR YOUR ATTENTION.

*Senate Agriculture
Attachment 7
March 13, 1997*



KANSAS AGRICULTURAL ALLIANCE

STATEMENT OF THE
KANSAS AGRICULTURAL ALLIANCE
BEFORE THE
SENATE AGRICULTURE COMMITTEE
STEVE MORRIS, CHAIRMAN
REGARDING HB 2289

MARCH 13, 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.

*Senate Agriculture
Attachment 8
March 13, 1997*