

MINUTES OF THE HOUSE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on March 3, 2004, in Room 423-S of the Capitol.

All members were present except:

Representative Dan Thimesch- excused

Committee staff present:

Raney Gilliland, Legislative Research Department
Gordon Self, Revisor of Statutes Office
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Greg Foley, Assistant Secretary, Kansas Department of Agriculture
Todd Johnson, Governmental Affairs Staff, Kansas Livestock Association

Others attending:

See attached list.

Hearing and action on SB 352 - Installation of scales by service company

Chairman Johnson opened the hearing on **SB 352**. Raney Gilliland explained that this bill would amend the definition of the term "technical representative" in the statute regulating those persons who service and install weighing and measuring devices. The term would be defined to mean an individual who conducts any of the following: installs, repairs, calibrates, or certifies the accuracy of a weighing and measuring device.

Greg Foley, Assistant Secretary, Kansas Department of Agriculture, offered testimony in support of **SB 352** introduced at the request of the Department. He explained that the purpose of the bill is to close a loophole in the current statute that allows unlicensed service companies and their technicians to install scales in Kansas. Since scale performance depends largely on proper installation, the Department believes this aspect of service work should require licensing and regulation by the Department of Agriculture's weights and measures program. Mr. Foley and Constantine Cotsoradis, weights and measures program manager, answered committee questions. (Attachment 1)

There being no other conferees, the Chairman closed the hearing on **SB 352** and opened discussion on the bill.

Representative Dahl moved to recommend SB 352 favorable for passage and, because the bill is of a noncontroversial nature, be placed on the consent calendar. Seconded by Representative Powell, the motion carried.

Hearing and action on SB 353 - Noxious weeds, sericea lespedeza

Chairman Johnson opened the hearing on **SB 353**. Raney Gilliland explained that **SB 353** would amend three sections of law to eliminate the July 1, 2005, sunset provision on the authority of the Secretary of the Department of Agriculture to designate any county in the state a sericea lespedeza disaster area after consulting with the board of county commissioners.

Greg Foley, Assistant Secretary, Kansas Department of Agriculture, appeared in support of **SB 353** introduced at the request of the Department to continue the authority of the Secretary of Agriculture to designate any county a sericea lespedeza disaster area after consulting with the board of county commissioners. He explained that this authority was given to the Secretary through **SB 548** passed in 2002 and that so far 14 counties have completed the process to become sericea lespedeza disaster areas. Such designation allows conservation districts to aid in the control and eradication of sericea lespedeza. The Department believes it is prudent to continue this program and remove the sunset provision.

Mr. Foley provided an update on the research and demonstration area for the control of sericea lespedeza established at Toronto State Park through the cooperation of the Secretary of Agriculture and the Secretary of Wildlife and Parks as authorized in **Sub. SB 556** passed in 2002. He reported that more work is needed,

CONTINUATION SHEET

MINUTES OF THE HOUSE AGRICULTURE COMMITTEE at 3:30 p.m. on March 3, 2004, in Room 423-S of the Capitol.

and that continuing this program beyond the 2007 sunset likely will be necessary to make the research meaningful. Tom Sim and Bill Scott from the plant protection and weed control program were in attendance to answer technical questions. (Attachment 2)

Representative Powell distributed copies of Mark Parker's interview with Gary Kilgore, Kansas State University area agronomist for southeast Kansas, concerning his research efforts in the control of sericea lespedeza in the state. (Attachment 3)

Todd Johnson, Governmental Affairs Staff, Kansas Livestock Association, expressed KLA's support for **SB 353** and any efforts that will provide assistance in the control and eradication of sericea lespedeza.

There being no other conferees, Chairman Johnson closed the hearing on **SB 353** and opened the floor for discussion.

Representative Freeborn moved to amend SB 353 to include elimination of the sunset provision in K.S.A. 2-1334 concerning the research and demonstration project at Toronto State Park. Representative Compton seconded the motion. The motion carried.

Representative Freeborn moved to recommend SB 353, as amended, favorable for passage. Seconded by Representative Compton, the motion carried.

The meeting adjourned at 4:30 p.m. The next meeting is scheduled for March 8, 2004.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: March 3, 2004

NAME	REPRESENTING
Jedd Johnson	KLA
Mark Heim	SCC
Bill Smith	KDA
Tom Sim	KDA
Carole Jordan	KDA
Wanda Kinney	KCA
Herb Graves	SAKW
JOHN KABUS	SHAWNEE COUNTY & GOWDAR.
Eric Krug	K-FED
C Cotsoradis	KDA
Jared Holste	Rep Johnson
Allen Shafer	Inter - Thirskok
Bessie Kaufman	Ks Co-op Council
BRAD HARRELSON	KFB



KANSAS

DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on Senate Bill 352 Regarding Weights and Measures

to

The House Committee on Agriculture

by **Greg A. Foley**
Assistant Secretary
Kansas Department of Agriculture

March 3, 2004

Chairman Johnson and members of the committee, I offer brief testimony on a bill to amend K.S. A. 83-301 regarding weights and measures. Thank you for the opportunity to comment.

The purpose of the amendment is to close a loophole in the current statute that allows unlicensed service companies and their technicians to install scales in Kansas.

Currently, service companies and technicians must be licensed to install *and certify* scales. However, because of the statute's wording, unlicensed service companies can install a scale as long as they do not certify it. Since scale performance depends largely on proper installation, this aspect of service work should require licensing and regulation by the Department of Agriculture's weights and measures program.

Licensed service technicians must participate in four hours of continuing education and pass an examination for each type of device for which they are certified. Non-licensed service technicians are not subject to these laws. Consequently, these individuals may not follow correct installation procedures and the customer may have to pay another licensed service company to place the scale into service and correct any installation problems. Without this proposed amendment, KDA's weights and measures program has no legal recourse against the unlicensed service company.

This amendment will require service companies and technicians that only install scales to meet the same licensing requirements as those that both install and certify scales. It would provide a more level playing field among service companies, as well as provide consumer protection to businesses that own scales.

I will gladly answer any questions at the appropriate time.



KANSAS

DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on Senate Bill 353 Regarding Noxious Weeds

to

The House Committee on Agriculture

by Greg A. Foley
Assistant Secretary
Kansas Department of Agriculture

March 3, 2004

Good morning, Chairman Johnson and members of the committee. I am Assistant Secretary of Agriculture Greg Foley, and I am here to testify about this simple amendment to remove a July 1, 2005, sunset date from K.S.A. 2-1315. This action will continue the authority of the Secretary of Agriculture to designate any county a sericea lespedeza disaster area after consulting with the board of county commissioners. This authority was given to the Secretary through SB 548, which passed in 2002.

Today I will update you on the status of sericea lespedeza in Kansas counties. I have brought Tom Sim and Bill Scott from our plant protection and weed control program to answer any technical questions you might have.

So far, 14 counties have completed the processes necessary to become sericea lespedeza disaster areas. They are Allen, Butler, Chautauqua, Coffey, Cowley, Elk, Greenwood, Linn, Lyon, Montgomery, Osage, Pottawatomie, Wilson and Woodson. Other counties can learn about the processes and procedures for submitting a county disaster petition by reading K.A.R. 4-8-43 or by contacting us. We also offer detailed instructions on our website, as well as links to forms and documents counties must submit with their petition.

We believe this law has enhanced communication and planning for the control of this noxious weed at the county level. We see private landowners and county, state and federal government agencies working as a team to manage and reduce sericea infestations.

The availability of new federal funding for sericea control is uncertain at this time. However, the enhanced EQIP program may provide a source of cost-share funding for landowners, and decisions about this money are made locally at the county level. The State Conservation Commission implements similar cost-share programs, funded through the state

water plan, that are offered through the county conservation districts if they elect to make pasture and rangeland management a funding priority. New infestations of the weed have been discovered in central and western Kansas. The department believes it is prudent to continue this program by amending K.S.A. 2-1315 to remove the sunset date.

Substitute for S 556 required the Secretary of Agriculture to cooperate with the Secretary of Wildlife and Parks to establish a research and demonstration area for the control of sericea lespedeza at Toronto State Park. This site has been established, and a set of treatments were applied in the fall of 2002 by Gary Kilgore, KSU area agronomist for southeast Kansas. Several years of treatment will be needed to compare various control methods. More work is needed, and continuing this act beyond 2007 likely will be necessary to make the research meaningful.

More information about the status of sericea can be found on our website. The address is on the testimony: www.accesskansas.org/kda/Plantpest/PestManagement/SLupdate2003.pdf.

For sericea, the goal is control, not eradication

by Mark Parker

A crop gone bad—that's the way Gary Kilgore describes the sericea lespedeza that's blitzkrieging its way into area pastures.

Although the perennial legume native to eastern Asia is actually an important forage crop in the southern U.S., it has the notoriety of being one of the few crops designated a noxious weed in Kansas.

Kilgore sums up the problem with sericea in one word—"aggressor."

"It is very invasive," the Kansas State University crops and soils specialist told producers at an agronomy institute in Parsons, Kan., last week. "It can be a problem in any pasture but it is especially big trouble in native prairie."



The plant, the agronomist admitted, has some very admirable traits. It grows well in the shade or out in the open, it has a wide flowering window, it has few disease or pest problems and it's a prolific seed producer, putting out as much as 300 to 850 pounds of seed produced per acre at about 350,000 seeds per pound.

It even puts out an alleopathic chemical which inhibits seed germination and growth of some plants in its proximity. And because sericea uses a lot of water, it effectively creates a drought for plants trying to survive in its midst.

In a native grass setting, good management practices, such as a well-timed burn, actually benefit the sericea.

While all of these attributes are good for the sericea itself, they combine to really take a toll on forage production. Research has documented a decrease in native forage production in excess of 70 percent due to heavy sericea infestations.

According to Kilgore, those infestations often begin in draws and around hedgerows. The plants are slow to establish, generally requiring about three years to produce seed. Once the plant has matured, however, sericea can be a prolific seed producer.

Sericea is such a tough customer, in fact, that the word "eradication" isn't even in the vocabulary of

those who fight its onslaught.

"Control," Kilgore says. "That's what we strive for."

Control methods include chemical, animal and mechanical means—and often all three.

From a herbicide standpoint, there are basically

two windows of opportunity to control sericea. In mid-June under good growing conditions, 1-1.5 pints of Remedy per acre is effective.

In the fall when plants are flowering—which can vary significantly—Escort XP at a rate of .5 ounce with a non-ionic surfactant can be used.

Kilgore also suggested that producers check with their county weed officer on cost-share assistance on chemicals in Kansas since sericea is a noxious weed.

But effective as the chemicals are, they probably won't eliminate the problem.

"You'll think it's dead but a couple of years will go by and it'll be back," Kilgore said.

Animal and mechanical efforts to control sericea focus on preventing the weed from going to seed and making the infestation worse.

Goats, Kilgore noted, have been shown to significantly reduce the presence of sericea but they do not eradicate it.

If there was a wanted poster out on sericea it would describe the outlaw plant as being about 2 to 5 feet tall with coarse, woody stems at maturity that are densely covered with 1/4 to 1 inch long, and 1/16 to 1/4 inch wide leaves. The leaf is round to flat at the top, with a point at the tip. The lower leaf surface has silky hairs. Flowers are yellowish-white with purple to pink markings.

Producers with weeds that fit that description, Kilgore stressed, face a problem that won't get better on its own. □

Farm Talk

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