

KANSAS SENATE NATURAL RESOURCES COMMITTEE

KANSAS RURAL CENTER – PAUL JOHNSON – MARCH 9, 2016

OPPOSITION TO HOUSE BILL 2479 – NOXIOUS WEED LAW AMENDMENTS

House Bill 2479 is fundamental change to noxious weed law in Kansas. The Kansas Rural Center (KRC) cannot support the transition of listing and controlling noxious weeds from an elected body – the Kansas Legislature – to unelected bureaucrats such as the Kansas Department of Agriculture. KRC can support amending existing noxious weed law to establish a 'noxious weed law advisory committee' and give the Kansas Secretary of Agriculture emergency power to list new noxious weeds – provided there is consent from the advisory committee and a time certain to bring to the Kansas Legislature for approval a complete 'risk assessment' report documenting the agricultural and environmental impact of this new invasive species.

Under existing law or HB 2479, there is no legal right for a private property owner to list their land as a 'no spray' zone (if noxious weeds are controlled on that property). If 'private property rights' are to be fully respected, there should be a process to list a piece of property as a 'no spray' zone with the Kansas Department of Agriculture and have simple administrative/legal recourse to seek property damages for 'chemical trespass'.

In existing pesticide law or in HB 2479, there is no definition of 'drift'. As the toxicity of herbicide chemicals increase – as 2-4D will be used to control 'glyphosate - round-up ready' resistant weeds in row crop agriculture or in spraying the ditches and right-of-ways, 'drift' will be more common and more widespread. Kansas now has 37 certified wineries statewide that are very concerned over the potential damage from 2-4D and other chemicals. Kansans spend over \$770 million yearly (\$260/year per Kansan) for fruits and vegetables but only \$32 million (4%) is grown in Kansas. Consumer demand for fresh, local produce is increasing rapidly so specialty crop produce growers will need certainty in legal protection from 'chemical trespass'. This protection must apply to county weed departments and commercial chemical sprayers.

Under existing law, counties can assess a landowner – where the county sprayed – a 10% levy of the spraying costs as a lien on the property tax. HB 2479 increases the 10% to a potential 50%. Criminal fines are increased from \$100 to \$200 a day with a new maximum of \$2,500.

In conclusion, this fundamental change - in HB 2479 - from statute to 'rule and regulation' is unrepresentative democracy and unnecessary. The Kansas Legislature should amend existing noxious weed law – as suggested above – but should not abrogate your fundamental responsibility to protect the 'property rights' of landowners and the public safety of all Kansas citizens.