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Jackie McClaskey, Secretary

Governor Sam Brownback

**Testimony on HB 2246 to
the House Committee on Agriculture
Chad Bontrager, Deputy Secretary
Kansas Department of Agriculture
February 7, 2017**

Chairman Hoffman and members of the committee, I am Chad Bontrager, deputy secretary of the Kansas Department of Agriculture. KDA has responsibility for administering the Kansas noxious weed law. Noxious weeds are one of the greatest threats to the Kansas environment. They displace native plant species, interfere with the production of agricultural crops, increase erosion, destroy wildlife habitat and decrease property values.

This information covers the proposed changes made to that law by HB 2246.

HB 2246 targets three areas for improvements in the Kansas noxious weed law. First and foremost, the bill creates the state noxious weed advisory committee and places the state noxious weed list in regulation.

- Weeds will be added to or removed from the noxious weed list upon recommendation of the advisory committee to the Secretary of Agriculture and promulgation of regulations by the Secretary.
- There are currently 12 weeds on the noxious weed list in statute. This list will expire on July 1, 2018, in order to give us time to work those weeds into regulation and not have a gap in coverage.
- The advisory committee will consist of 13 members appointed by the Secretary. The committee will represent landowners, weed scientists, county weed directors and herbicide businesses that will provide science-based recommendations on the control of noxious weeds.
- By establishing a committee of individuals who have an extensive and working knowledge of the management of weeds, their expertise will guide and advise the Secretary, providing an improved response to potentially noxious weeds in terms of eradication or control. This advisory committee will also provide for a thorough, scientific and objective evaluation of weeds under consideration.

Second, HB 2246 makes changes to the Kansas noxious weed law that streamline the administration of the law by KDA and county weed departments.

- The bill gives counties the ability to more effectively manage the money for the noxious weed program through their general fund, if they so choose, and allows for money to be carried over from year to year for noxious weed control activities.
- County commissioners, weed directors and KDA are more fully incorporated into the requirements for weed management activities and reporting so that all parties can be more knowledgeable of the processes.

- HB 2246 will also allow counties to either collect up to 50 percent of the cost of treatment from a landowner or negotiate a payment plan and return money to the noxious weed capital outlay fund in a more timely manner.
- Counties are given the ability to have county-specific noxious weeds if they so choose. HB 2246 clarifies that counties are responsible for the control of all noxious weeds within the county border unless that responsibility has been taken on by a city or township.
- The bill clarifies the records retention process for counties and KDA. HB 2246 gives landowners added protection and improves compliance with the noxious weed law by increasing the penalty for violations to \$200 per day with a \$2,500 cap.

Third, HB 2246 updates the noxious weed law in order to accommodate the changes outlined above as well as address outdated and unused provisions.

- The option for a declaration of sericea lespedeza disaster area is removed along with the requirement for conducting research on sericea lespedeza control.
- The outdated reference to the division of noxious weeds is removed.
- The requirement that KDA pay a quarter of the county weed directors' salaries is removed.
- The section of the noxious weed law requiring weed supervisors to file a surety bond is removed.
- County commissioners will no longer be required to submit an annual report.
- Notification requirements are updated to allow for the use of websites and electronic mail.

Thank you for the opportunity to testify in support of HB 2246 and the proposed changes to the Kansas noxious weed law. These changes are important to improving the eradication and control of noxious weeds in Kansas.

Thank you for the opportunity to speak with you today. I will stand for questions at the appropriate time.

Jackie McClaskey, Secretary

Governor Sam Brownback

Detailed Explanation of HB 2246

This document will walk through HB 2246 and identify and explain all of the proposed changes to the noxious weed law. HB 2246 targets three areas in making improvements in the Kansas noxious weed law. First and foremost, the bill creates the state noxious weed advisory committee and places the state noxious weed list in regulation. Second, HB 2246 makes changes to the noxious weed law that streamlines the administration of the law by Kansas Department of Agriculture and county weed departments. Finally, the bill updates and cleans up the law in order to accommodate the changes proposed as well as address outdated and unused provisions. In this document each area of explanation will be covered in the order it appears in the bill and is color-coded to match with its corresponding improvement target area. Those changes dealing with the advisory committee and putting the weed list in regulation will be in purple. Those dealing with streamlining the administration of the law will be in green and those dealing with updating the law will be in red.

1. New Section 1 groups all the definitions and moves them to the beginning of the law.
2. New Section 2 gives the Secretary of Agriculture the ability to make an emergency declaration of noxious weeds for an 18-month period of time.
3. New Section 3 outlines the creation of the state noxious weed advisory committee and delineates its authority and responsibilities.
4. New Section 4 pulls all of the references to unlawful acts throughout the law and concentrates them in this new section.
5. New Section 5 requires that certified weed free forage products be used on any state lands in the state.
6. Section 6(a) is changed to accommodate the advisory committee recommendation to the Secretary and the Secretary's issuance of regulation regarding noxious weeds.
7. Section 6(b) calls for the existing noxious weed list in statute to expire July 1, 2018, in order to move the list to regulation and give time for the committee to be formed and regulations to be issued.
8. Section 6(c) gives county commissioners the authority to declare county noxious weeds and spells out the parameters of such a declaration.
9. Section 7(b) is changed to expire July 1, 2018, when the advisory committee and the Secretary will assume responsibility for determining if multiflora rose or bull thistle are to become noxious weeds.
10. Section 8 is adjusted to remove the reference to sericea lespedeza disaster areas. Sericea lespedeza is currently listed as a noxious weed.
11. Section 9(a) is added to clarify that counties have responsibility for noxious weed control in the entire county unless cities or townships take on that responsibility. This is the current practice being followed, but this will clarify the statute.
12. Section 9(c) removes the outdated reference to the division of noxious weeds, etc.
13. Section 9(d) removes the outdated reference to KDA paying a portion of county weed directors' salaries. It also adds language that allows counties to operate through the general fund.
14. Section 9(e) removes the responsibility for providing an annual report from county commissioners.

15. Section 10 removes a vague reference to the required management plan which was addressed in Section 9(e).

16. Section 11 removes the weed supervisor survey requirements which were addressed in Section 9(e).

17. Section 11(a) allows counties to use the general fund or levy a tax for noxious weed control and also spells out that carryover money shall be used for noxious weed work in the following year. This is current practice, but the changes bring clarity in the statute.

18. Section 11(b) is new and pertains to records retention requirements.

19. Section 12(c) removes a definition that was relocated to New Section 1.

20. Section 12(d) removes language that was addressed in Section 14(b) and (c).

21. Section 13 removes the limitation that counties can only collect the equivalent of 5 percent of assessed valuation per year of a debt incurred during voluntary transactions. This section also adds language that allows for managing the program through the county general fund.

22. Section 14(a) restricts where counties can use chemicals and equipment to control weeds other than those that have been declared noxious.

23. Section 14(b) and (c) spell out how counties can go about selling chemicals to landowners and gives the added flexibility of using the general fund if they so choose. Both (b) and (c) allow counties to charge 100 percent of their cost if they have levied a tax or appropriated a budget equivalent to 1.5 mills for the noxious weed program either in a dedicated fund or through the general fund.

24. Section 14(f) is new and requires that all money collected by counties for the sale of chemicals be used for noxious weed eradication whether through a dedicated fund or through the general fund.

25. Section 15 increases the penalties for violation of the law.

26. Section 17(a) removes a definition already defined in New Section 1.

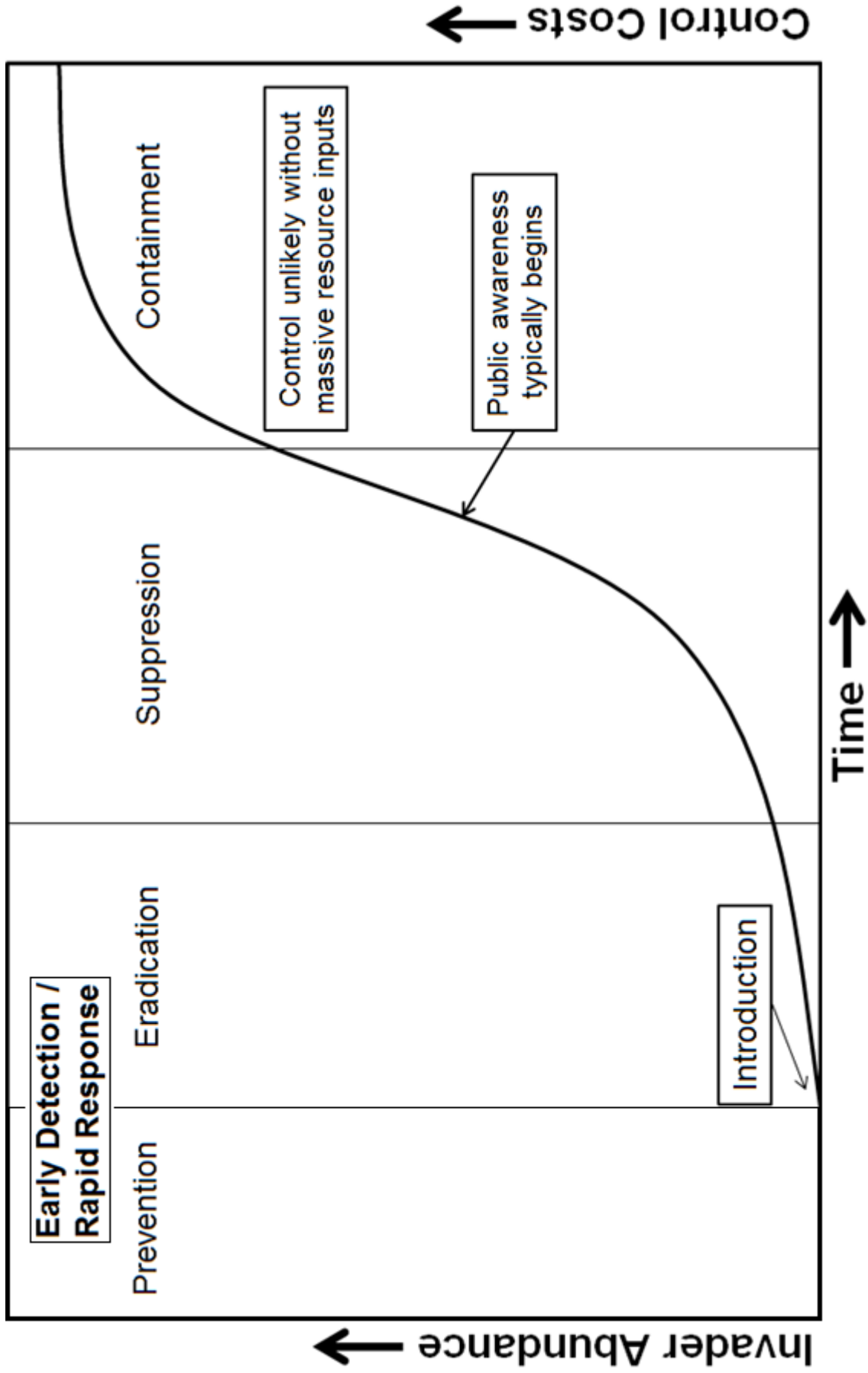
27. Section 17(b) removes the requirement that KDA send a copy of the general notice to the county weed directors. The flexibility to manage money through the general fund is also added in this section.

28. Section 17(e) removes the requirements for legal notice from statute and adds that the Secretary shall promulgate rules and regulations defining legal notice.

29. Section 17(f) allows electronic means to be used by weed supervisors to contact owners prior to issuing a legal notice.

30. Section 18 adds the flexibility for money management through the general fund and allows counties to either collect up to 50 percent of the cost of involuntary weed control per year via tax rolls or enter into a payment plan with the landowner.

Invasive Species Invasion Curve



Prevention - Preventing the introduction of the species.
Eradication - Eliminating all of the infestations.
Suppression - Reducing or eliminating the number of infestations.
Containment - Reducing or eliminating the further spread of the infestations

Adapted from: Hobbs, R.J. and Humphries, S.E. 1995. An integrated approach to the ecology and management of plant invasions. Conservation Biology 9, No. 4: 761-770.

Kansas' Noxious Weeds



Field Bindweed
(*Convolvulus arvensis*)



Sericea lespedeza
(*Lespedeza cuneata*)



Pignut
(*Hoffmannseggia densiflora*)



Kudzu
(*Pueraria lobata*)



Bur ragweed
(*Ambrosia grayii*)



Musk thistle
(*Carduus nutans*)



Russian knapweed
(*Centaurea repens*)



Canada thistle
(*Cirsium arvense*)



Johnsongrass
(*Sorghum halepense*)



Quackgrass
(*Agropyron repens*)



Leafy spurge
(*Euphorbia esula*)



Hoary cress
(*Cardaria draba*)

Plant Protection and Weed Control

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Multiflora rose
(*Rosa multiflora*)

- County optional -



Bull thistle
(*Cirsium vulgare*)

- County optional -



Department of Agriculture
Plant Protection and Weed Control

Field bindweed — A non-native perennial in the morning glory family with arrowhead-shaped leaves and white to pink bell-shaped flowers. This Eurasian plant is found throughout Kansas and spreads via a fleshy root system and by seed.

Sericea lespedeza — A short-lived perennial in the bean family native to Asia. The plant has cream-colored flowers with purple markings and leaves with three parts. It is common in rangelands and prairies throughout eastern Kansas, especially in the Flint Hills.

Pignut or Hog potato — A perennial herb in the bean family native to extreme southwestern Kansas. The plant has yellow flowers and a deep root system with small potato-like growths that make the plant difficult to control and provide its colorful common names.

Kudzu — A perennial vine in the bean family native to Asia. The plant has large three-parted leaves and reddish flowers. Introduced as erosion control on mined lands in southeast Kansas, it's now found in only a few scattered areas of the state.

Bur ragweed — A native perennial from western Kansas in the aster family. The plant has an aggressive root system that spreads over large areas. The leaves are covered with silvery-gray hairs and the fruit is ringed by slender spines that have hooked tips.

Musk thistle — A biennial in the aster family and is native to Eurasia. Found throughout Kansas, the plant forms a rosette of spiny, white-edged leaves during the first year. The second year the plant sends up a stalk with spiny, purplish flower heads .

Russian knapweed — A non-native perennial in the aster family. Found sporadically in Kansas, this Asian plant has pink or purplish flower heads and forms dense stands from an extensive root system. This plant is toxic to horses if eaten.

Canada thistle — A perennial in the aster family with a spreading root system capable of growing 3' to 5' per year. The pink male and female flower heads occur on separate plants. Native to Eurasia, it is found on disturbed sites mostly in northwest Kansas.

Johnsongrass — A perennial grass from the Mediterranean that is related to and can hybridize with grain sorghum. The grass spreads aggressively by seeds and by thick, scaly roots. Found throughout Kansas it is common along roads and ditches.

Quackgrass — A non-native grass from Eurasia. The base of each leaf blade has a pair of tiny appendages that fold around the stem. Found at scattered, moist locations throughout Kansas, the grass spreads via seed and a vigorous, spreading root system.

Leafy spurge — A perennial in the spurge family that is native to Eurasia. The plant has a yellowish, flower-like disk below greenish flowers and a milky sap that is toxic to cattle. Leafy spurge is found in disturbed locations mostly in northern Kansas.

Hoary cress — A non-native perennial in the mustard family. The plant spreads via seed and its creeping root system. The leaves wrap around the hairy stems and fragrant white flowers occur at the stem tips. Found throughout Kansas, especially in the north.

Bull thistle — A biennial in the aster family. The plant has a stalk of dark purple flowers with a ring of stiff spines at their base. Found throughout Kansas, this Eurasian plant is common along roadsides and other disturbed sites. Bull thistle is a county-option weed.

Multiflora rose — A large shrub in the rose family. The plant has arching stems armed with claw-like prickles. The white to pink flowers occur in clusters at the ends of the stems. This Asian plant is found throughout Kansas. Multiflora rose is a county-option weed.

Kansas Law (KSA 2-1314)

Requires landowners to control noxious weeds on their property.

For more information call the Kansas Department of Agriculture or your County Weed Director.