



Since 1894

To: House Committee on Agriculture  
Representative Kyle Hoffman, Chair

From: Mike Beam, Sr. Vice President

Re: **Support for House Bill No. 2583, updating the Kansas noxious weed laws**

Date: February 8, 2018

*The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,200 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seedstock, cow-calf and stocker production, cattle feeding, dairy production, grazing land management and diversified farming operations.*

The Kansas Livestock Association (KLA) supports HB 2583 because the bill:

- improves and modernizes the manner in which noxious weeds are designated in Kansas
- allows for the emergency, yet temporary, declaration of a noxious weed
- authorizes a county wide designation of a noxious weed, with oversight by the Kansas Department of Agriculture
- addresses a manner in which noxious weeds inadvertently have been seeded along our roads and highways.
- updates the noxious weed statutes to reflect how noxious weed programs are now being administered and funded at the local level

The expensive, time consuming, and never ending task of controlling invasive plant species and noxious weeds is a concern often voiced by grazing land owners and operators in Kansas. Our members' angst with these challenges have led to several policy actions in recent years...which have led to our support for state legislation in 2014, 2015, 2016, and 2017. That's why we are back here again in 2018, supporting a similar bill (which passed the House in 2016) in hopes of seeing meaningful noxious weed legislation finally make it through the legislative process.

### **Designating Noxious Weeds**

KLA members have repeatedly voiced support for the proposed change to how noxious weeds should be designated or determined as prescribed in HB 2583. Currently, noxious weeds must be listed by the passage of state legislation...which we all know can take four months, not counting the effective date upon publication in the *Kansas Register* or *Kansas Statutes*.

Furthermore, there are no guidelines as to what the legislature should consider when listing a noxious weed. It's merely a political decision based on the testimony provided during an hour hearing and many times action is stifled because of the constraints of the legislative deadlines. This bill would allow the Kansas Department of Agriculture to list a plant as noxious after the 60 day process authorized by the rule and regulation procedure.

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We should also ask ourselves if listing noxious weeds through the passage of legislation is the most appropriate mechanism. As a comparison, the process of determining a reportable disease in the livestock sector is done through the rule and regulation process. It makes sense to us that invasive plant or noxious weeds that threaten our farm and ranch lands also should be subject to the rule and regulation process in lieu of the passage of legislation.

We believe this approach, in conjunction with the new advisory committee, will provide a more scientific manner than current law. In addition, coupled with the new provision (New Section 2) for an emergency declaration, these changes will allow the state to respond in a more timely way when a plant merits a noxious weed designation.

### **County option noxious weeds**

Another benefit of HB 2583 is the ability for the designation of noxious weeds at a county level. There are several plants considered invasive in eastern Kansas that are not a threat or concern in the western reaches of the state. For example, we have members who would like to see Old World Bluestem listed as a noxious weed. This plant is invasive in many areas of the Flint Hills in Eastern Kansas, but not considered a threat in western Kansas. Subsection (d) of Section 6 (page 6) provides a mechanism to declare a plant noxious within a county. The proposed county option provision has a safeguard that gives the Kansas Department of Agriculture the ability to review and disapprove a county listing if merited.

### **Mulch hay on road ways**

KLA is specifically supportive of the provision in New Section 5. Our members repeatedly have noted that invasive species have invaded native grasslands by spreading from road ditches. These right-of-ways may have been planted to invasive plant species with the seed mixture and/or attached to the mulch hay used for reseeding.

### **Other provisions of HB 2583**

You'll find several updates to the noxious weed statutes in HB 2583. It's our understanding that many of these were made after the Kansas Department of Agriculture's staff collaborated with county officials, including county weed directors. I'm confident KDA's testimony will address these provisions and help answer any questions you may have.

What's changed since last year? I appreciate the Kansas Department of Agriculture's actions last fall to gather stake holders and share information about the status of invasive plant species in Kansas how past legislation has proposed changes in the state noxious weed law. The October 19, 2017 "noxious weed summit" was well attended and attendees were not bashful of expressing their concerns about invasive plant species threats in this state and their concerns and suggestions regarding changes to the noxious weed law. I'm sure there remain some concerns, but I sense there is less resistant to moving forward with updating our noxious weed law and in fact more support for this legislation.

In summary, KLA believes this legislation is a needed update to our archaic noxious weed statutes, which go back to 1947. We urge this committee to move the bill forward for passage in 2017.

I might add we would oppose amendments to provide immunity or exemptions to individuals or industries that have long been subject to the noxious weed law.

I'm happy to respond to any questions or concerns from committee members.

Thank you for your consideration!