



Kansas Grain & Feed Association
Kansas Agribusiness Retailers Association
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Date: February 16, 2018
To: Senate Committee on Agriculture and Natural Resources
From: Randy E. Stookey, Senior Vice President of Government Affairs
RE: **Proponent Testimony on HB 2583, amending Kansas noxious weed law**

Chairman Kerschen and members of the committee, thank you for the opportunity to provide testimony in support of House Bill 2583. This testimony is submitted jointly on behalf of the Kansas Grain and Feed Association (KGFA), and Kansas Agribusiness Retailers Association (KARA).

KGFA is the state association of the grain receiving, storage, processing and shipping industry in Kansas. KGFA's membership includes over 950 Kansas business locations and represents 99% of the commercially licensed grain storage in the state. KARA is a voluntary trade association with over 700 agribusiness firms that supply fertilizers, crop protection products, seed, petroleum products, and agricultural services to Kansas farmers.

Together, our agribusiness members are the trained technicians and advisors that understand treating noxious weeds and provide many of the crop protection products needed by producers and landowners to control these plant pests. Thus, this bill is of interest to our associations and our members.

As drafted, HB 2583 would make beneficial changes to the Kansas noxious weed law. The current process for designating noxious weeds is both cumbersome and time consuming. The existing structure set forth in state statute might not allow for a quick response in addressing damaging noxious weeds. The process established by HB 2583 would provide the Kansas Secretary of Agriculture with authority to designate plants as noxious weeds through rules and regulations.

Our organizations support regulation that is science-based and has beneficial practical application for production agriculture. The proposed regulatory approach in HB 2583 strengthens the process behind noxious weed designation. It also safeguards the process from political implications by providing for broad stakeholder participation via the advisory committee. Our industry will be represented with a seat on the state advisory committee. This specific provision is vital to our industry's support of this proposal.

Our membership includes trained and credentialed pesticide applicators, certified crop advisors and pesticide product registrants. Our members possess the professional knowledge base to determine when a plant has become so invasive or difficult to eradicate or control that it should be designated as a noxious weed. Our members have the technical and professional knowledge and proficiency to understand how to properly gauge appropriate pesticide products, application rates and timing on each target plant.

Input from the agricultural chemical industry is both appropriate and necessary to have a comprehensive review process. While the state advisory committee provides us the opportunity to make recommendations on the designation and classification of state noxious weeds, the authority to designate a plant as a noxious weed would reside solely with the Secretary of Agriculture. However, loss of our industry's involvement on the advisory committee would diminish our support for the bill.

Our associations appeared in qualified support of this bill when it was before the House Committee on Agriculture. We identified parts of the bill that we requested to be changed in Section 1, Section 4, and Section 15. As the House adopted our proposed amendments, we now stand in full support of this bill.

Agribusiness Amendments adopted by the House Committee on Agriculture:

New Sec. 1. Line 15. Subparagraph (b)(2). The definition of "article" is overly broad. The definitional language needs tightened to cover only those items which are intended to be regulated by this act. The current proposed language fails to provide adequate notice to the regulated community of what an "article" is or how or when it is being regulated.

New Sec. 4, Line 18. The new unlawful act language in this section does not require an intentional act, apart from "knowingly allowing to grow" a noxious weed. We would recommend amending the language to require actual knowledge of the presence of a noxious weed and require violations of the act to be "knowingly committed." Actual knowledge should be a requirement for a violation under all of the potential violations of the act, especially as the bill enhances criminal penalties as proposed in Section 15.

New Sect. 15, beginning on Line 16. The proposed language in this section would double the amount of monetary criminal penalties, even for unintentional acts, and remove the maximum cap on fines. We recommend that the language require a "knowing" or intentional act to be deemed guilty of a criminal act, and further recommend retaining the current maximum monetary fine of \$1,500 for each violation.

Many of the proposed changes to the Kansas noxious weed law, as set forth in HB 2583, would benefit the agricultural industry and Kansas agricultural producers. We support moving the noxious weed designation process from a statutory to a regularly process; provided, however, that this change include input from a noxious weed state advisory committee that includes representatives from our industry.

Following the hearing in the House, other conferees, to include the Kansas Livestock Association (KLA), requested additional changes. We agree to the additional amendments proposed by KLA, and would support the Committee's adoption of that language into this bill. It is our understanding that the Kansas Department of Agriculture has also agreed to KLA's additional amendments.

Therefore, we respectfully request that this committee amend the bill with the amendment offered by the KLA, and pass the bill out favorably as amended. Thank you for allowing us the opportunity to testify in support of HB 2583, and we will stand for questions at the appropriate time.