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**Testimony in Support of HB 2583 to  
The Senate Agriculture and Natural Resources Committee  
By Chad Bontrager  
Kansas Department of Agriculture  
March 16, 2018**

Chairman Kerschen and members of the committee, I am Chad Bontrager, director of the Division of Agribusiness Services for the Kansas Department of Agriculture (KDA). KDA is responsible for administering the Kansas Noxious Weed Law. Noxious weeds are a threat to the Kansas environment as they displace native plant species, interfere with the production of agricultural crops, increase erosion, destroy wildlife habitat and decrease property values.

KDA supports the majority of the amendments made in the House and we believe the bill should move forward with these changes. We have worked with the Kansas Livestock Association and the Kansas Agribusiness Retailers Association on a proposed amendment to strike the unlawful acts of new Section 4 and revise the repealed sections to keep the law as it is today regarding unlawful acts. This proposal is attached to my testimony.

In relation to the House amendments to Section 12 (c) and (d) as well as Section 13 (b) and (c), we are concerned that the incentive for control may have been removed. We would suggest "at a price fixed by the board of county commissioners not to exceed 100% of the cost of the chemical, storage, and handling" be added to line 19 on page 13.

HB 2583 targets three areas for improvements in the Kansas Noxious Weed Law. The following information covers the proposed changes.

**HB 2583 creates the Kansas Noxious Weed Advisory Committee and places the state noxious weed list under 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 Dec 1, 2020, in order to give KDA time to add these weeds into regulation and prevent 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.
- The expertise of this committee of individuals, who have an extensive and working knowledge of the management of weeds, will guide and advise the Secretary, providing an improved response to

potentially noxious weeds in terms of eradication and control. This advisory committee will also provide for a thorough, scientific and objective evaluation of weeds under consideration.

**HB 2583 makes changes to the Kansas Noxious Weed Law that will 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 2583 will also allow counties to either collect up to 50 percent of the cost of treatment from a landowner through property taxes 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 2583 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 2583 gives landowners added protection and improves compliance with the noxious weed law by increasing the penalty for violations to \$200 per day.

**HB 2583 updates the Kansas 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 email.

Many members of the committee are familiar with this bill, as it has been heard under different bill numbers in previous sessions. In each of those sessions there has been some opposition based on a variety of issues. Most of these issues have had something to do with noxious weeds; few have been directly related to the bill itself.

In October 2017, KDA hosted an open meeting for anyone interested in talking about noxious weeds and associated issues. We specifically invited people we received comments from over the past several years, and tailored the agenda to work through all their concerns. We had good attendance and the list of topics was wide-ranging including better noxious weed control on public lands, what to do about old world bluestem and its presence in native pasture, alternatives to pesticide use for the control of weeds, and many more issues. When the group's discussion focused specifically on the proposed changes to the Kansas Noxious Weed Law and concerns they had, it boiled down to the issue of increased authority for the Secretary of Agriculture.

KDA's offer to the group in October was to look for a method of oversight from the Legislature related to the noxious weed list promulgated by the Secretary. Our first thought, and a solution that I believe would have

satisfied the group, was to have legislative ratification of the noxious weed list. Basically, the Kansas Noxious Weed Advisory Committee would make a recommendation to the Secretary, the Secretary would promulgate the regulation with the noxious weed list, and the Legislature would then either approve the list or not.

KDA was comfortable with this approach but as we began to work on the legislation, we were led to understand that it would be unconstitutional. The discussed legislative ratification would violate the separation of powers because the Legislature could not give authority to the executive branch, then countermand that authority.

Based on this discovery, the solution we have arrived at — and that is included in HB 2583 — is that the Secretary must report the list of noxious weeds to the Legislature. In section 6 (c) of the bill, it states that the Secretary will report the proposed list of noxious weeds to the Legislature prior to adopting rules and regulations. This does not prohibit the Secretary from going ahead with the regulations, but does at least make the Legislature aware and gives them the opportunity to express any concerns to the Secretary. While not ideal in the eyes of all stakeholders, we do believe this is a workable compromise.

The other issue of concern with the stakeholder group was the makeup of the Kansas Noxious Weed Advisory Committee. While we believe the proposed members of the committee to be a satisfactory place to start, we are also open to modifications. Previous suggestions have included a representative from the Kansas Biological Survey and a specialty crop grower; both would be acceptable additions to the committee from our perspective. From an effectiveness standpoint, we would like to keep an odd number of members and the size of the committee to not get much larger. The House amendments added a specialty crop grower, a member recommended by the Kansas Biological Survey and emphasized that one of the weed specialist will have knowledge of non-chemical weed control methods.

In addition to addressing this bill with the stakeholder group, we also committed to a couple of other activities not directly related to the bill but certainly related to the noxious weed discussion. KDA has agreed to begin work on quarantining old world bluestem seed and we have a draft of that quarantine that we are moving through the process of implementation. We also committed to a thorough review of the approved noxious weed control methods, specifically looking to include more alternatives to pesticide use and to include a broader group of stakeholders in that review process. The control methods are set in regulation and we will begin that review this summer once we know the outcome of this bill.

Thank you for the opportunity to testify in support of HB 2583 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. I will stand for questions at the appropriate time.

**KLA & KGFA Amendment to HB 2583**

New Section 1.

(a) The provisions of article 13 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto, and sections 1 through 5, and amendments thereto, shall be known and may be cited as the noxious weed act.

(b) For the purposes of this act:

(1) "Act" means the noxious weed act;

~~(2) "article" means any material or tangible object that could harbor, carry or is capable of disseminating~~ **harbors or carries** noxious weeds;

(3) "certified weed free" means any unprocessed plant product that has been inspected by authorized state officials and found to be free of the reproductive parts of noxious and invasive weeds according to standards set forth by the North American invasive species management association;

(4) "control" means the removal or destruction of the reproductive parts of any noxious weeds before such weeds propagate and spread or whenever required by the secretary or the weed supervisor;

(5) "governing body" means the board, body or persons in which the powers of a political subdivision as a corporate body are vested;

(6) "governmental agency" means the state or any agency or political subdivision thereof or the government of the United States or any agency or instrumentality thereof;

(7) "noxious weed" means any species of plant that the secretary shall determine to be a noxious weed in rules and regulations adopted and promulgated pursuant to this act;

(8) "noxious weed plant material" means any noxious weed plant or plant part that is capable of reproducing sexually or asexually;

(9) "person" means an individual, associations of persons, companies, corporations, the secretary of transportation, boards of county commissioners, township boards, school boards, drainage boards, governing bodies of cities, railroad companies and other transportation companies or corporations or their authorized agents and those supervising state-owned lands;

(10) "political subdivision" means any agency or unit of the state authorized to levy taxes or empowered to cause taxes to be levied;

(11) "secretary" means the secretary of agriculture or the secretary's designated representative;

(12) "state advisory committee" means the state noxious weed advisory committee consisting of ~~11~~ **13** voting members and the secretary; and

(13) "weed supervisor" means a person hired by a county, township, city or district and approved by the secretary to enforce the noxious weed act and to control and manage noxious weeds within the supervisor's jurisdiction.

....

New Sec. 4.

(a) Except as provided in subsection (b), it shall be unlawful for any person to **knowingly**:

(1) ~~Import, introduce, plant, sow, move, knowingly allow to grow, or fail to control the spread of and eradicate any species of plant declared a noxious weed pursuant to this act, except in accordance with such conditions prescribed by the secretary in rules and regulations to prevent the dissemination of such noxious weeds into this state;~~

(2) ~~sell, barter or give away nursery stock, plants, packing materials, animal fertilizer and soil or sod for landscaping or fertilizer use that contains noxious weed plant material or seeds;~~

(3) ~~transport articles, seed, screening, grains, crops, straw, hay, forage, or offal material or feed of any kind containing noxious weed plant material or seeds unless such materials shall have been carried or transported in such vehicles or containers that prevent the leaking or scattering thereof, or are processed by grinding or other means adequate to destroy the viability of all such noxious weed plant material or seeds, except such feeds that are to be fed to livestock may be sold:~~

(A) ~~For consumption on the same farm where grown, provided that such feeds not leave the land of the owner or grower between where it was grown and where it is stored or fed, and provided that such feeds do not cross or access any public road; or~~

(B) ~~to commercial processors or commercial feed mixers. All common carriers shall, **when the presence of noxious weed material or seeds is known**, thoroughly clean and destroy any noxious weed plant material or seeds in or on cars, trucks, vehicles or other receptacles used by them after each load was delivered to a consignee before again placing such car, truck, vehicle or receptacle into service; or~~

(4) ~~transport into or within this state any harvesting or threshing machinery, portable feed grinders, portable seed cleaners, field ensilage cutters or other farm vehicles or machinery that is infested with any noxious weed without first cleaning such equipment free from any noxious weed plant material or seeds.~~

(b) ~~This section shall not apply to:~~

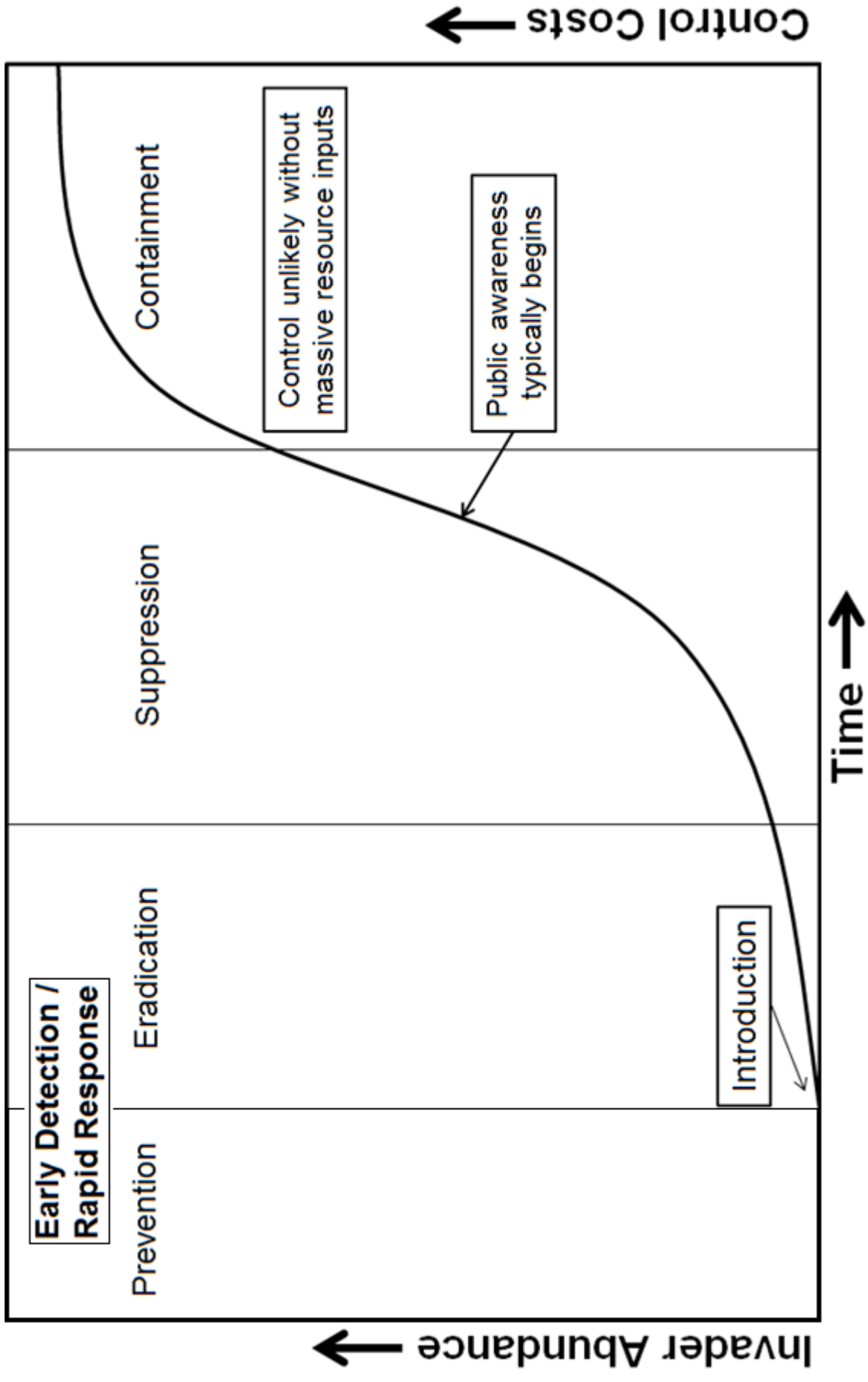
(1) ~~Research sanctioned by a state or federal agency or an accredited university or college; or~~

(2) ~~activities specifically permitted by order of the secretary.~~

....

Sec. 19. K.S.A. 2-1314b, 2-1316a, 2-1320, 2-1323, ~~2-1325, 2-1326, 2-1328, 2-1329~~, 2-1330 and 2-1332 and K.S.A. 2017 Supp. 2-1314, 2- 1315, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322, ~~2-1327~~, 2-1331 and 2-1334 are hereby repealed.

# 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 -



**Kansas**  
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.