



Since 1894

To: House Committee on Agriculture  
Representative Kyle Hoffman, Chair

From: Mike Beam, Sr. Vice President

Re: **Support for House Bill No. 2246, updating the Kansas noxious weed laws**

Date: February 7, 2017

*The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,300 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 2246 because it improves the manner in which noxious weeds are designated, updates the noxious weed statutes to reflect how noxious weed programs are being administered and funded at the local level, and addresses a manner in which noxious weeds inadvertently have been seeded along our roads and highways.

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 at the last two KLA Conventions, including continued support for legislation in 2014, 2015 and in 2016. That's why we are back here again in 2017, with a similar bill that passed the House last year in hopes of seeing meaningful noxious weed legislation finally make it through the legislative process.

You may recall we asked this committee to introduce this bill. We coordinated this initiative with the Kansas Department of Agriculture (KDA) who suggested the bill be identical to last year's HB 2479, as it was originally introduced at the start of the 2016 Legislative Session. KDA staff will have more insight on many aspects of this bill as they've collaborated with county weed directors and others to craft this proposal.

For today's hearing, I'll focus my testimony on New Section 5 (page 4) and amendments to Section 6 (pages 4-6), which address the spread of noxious weeds on road right of ways and how noxious weeds would be designated if HB 2246 were to become law.

### **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 2246. 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*.

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.

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 2246 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 (c) of Section 6 (page 5) 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 reseeded.

### **Other provisions of HB 2246**

You'll find several updates to the noxious weed statutes in HB 2246. 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.

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

Thank you!