

Approved March 23, 1988  
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at  
Chairperson

10:06 a.m. ~~XXX~~ on March 22, 1988 in room 423-S of the Capitol.

All members were present except: Senator Fred Kerr (excused)

Committee staff present: Raney Gilliland, Legislative Research Department  
Jill Wolters, Revisor of Statutes Department

Conferees appearing before the committee: Dale Lambley, Kansas State Board of Agriculture  
Joe Lieber, Kansas Cooperative Council  
Chris Wilson, Kansas Fertilizer and Chemical Association  
Mike Kleiber, Kansas Fertilizer and Chemical Association, Hillsboro, Kansas  
Bill Fuller, Kansas Farm Bureau  
Harold Buttenhoff, Lincoln, Kansas  
Victor Suelter, County Clerk, Lincoln County  
Roy Mochamer, farmer, Lyon County  
Beverly Bradley, Kansas Association of Counties  
Roy Patton, President, County Weed Directors Associations  
Evan Swartz, Chairman, Legislative Committee

Senator Allen called the committee to order and called attention to HB 2623; he then called on the following to testify.

Dale Lambley gave the committee copies of his testimony (attachment 1). He expressed support and suggested no amendments for HB 2623.

Joe Lieber gave copies of his testimony to the committee (attachment 2) and testified in favor of HB 2623.

Chris Wilson gave copies of her testimony and information to the committee (attachment 3).

Mike Kleiber stated that he did not favor a county selling chemicals for non-noxious weeds. He stated that if businesses could also sell chemicals for spraying noxious weeds that the weed supervisor would have more time to spend getting rid of noxious weeds. He also stated if more than one place to buy chemicals that a farmer would be able to compare prices and buy at the cheaper price. Mr. Kleiber expressed support for the proposed cost-share certificates which would be available at more than the county seat if businesses were allowed to sell chemicals for noxious weeds; this would be advantageous to farmers.

In answer to committee questions, Ms. Wilson stated that she did not support doing away with the noxious weed law and then to allow the private sector to take care of noxious weeds. She stated that enforcement of the law was the most needed element in noxious weed control and that if businesses are allowed to sell the chemicals that maybe the weed supervisors would have more time to spend on enforcement.

Bill Fuller provided the committee with copies of his testimony (attachment 4) and expressed support for HB 2623. Mr. Fuller suggested careful consideration be given to amendments that will be proposed for HB 2623 with consideration for the long range affect and about future costs.

Harold Buttenhoff testified that the noxious weed law needs more

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,  
room 423-S, Statehouse, at 10:06 a.m. ~~pm~~ on March 22, 1988.

teeth in it. He stated that farmers accept the \$500 fine for not eradicating noxious weeds because that is less money than it takes to kill noxious weeds. He suggested that maybe a tenant of land should be partially responsible for the eradication of noxious weeds. He suggested that a purchaser of noxious weed chemicals could use the chemicals to spray on a non-noxious weed whether the chemicals were purchased from the county or from a private business.

Victor Suelter explained that sometimes the weed supervisor finds out about misuse of chemicals by neighbors who tell about their neighbors misuse. He stated that out-of-state landowners are not interested in noxious weed eradication and that makes big problems for a county. Mr. Suelter stated that Lincoln County did not favor the proposed cost/share certificates.

Roy Mochamer expressed problems in Osage, Lyon and Coffey Counties with sericea lespedeza. Mr. Mochamer expressed the desire to be able to have a noxious weed option so that a county could name sericea lespedeza a noxious weed. He suggested that taxpayers had financed the planting of this grass along roadsides and in lake areas, and now, that the grass has become a problem that taxpayers should help pay to eradicate it.

Beverly Bradley gave copies of her testimony to the committee (attachment 5).

Roy Patton stated that of the 105 counties, but that could not get in touch with four for the survey, none of the other weed directors wanted any changes made to HB 2623. Mr. Patton expressed support for HB 2623 as it is.

Evan Swartz explained that 2-4-D had been applied to a plot of sericea lespedeza last summer and that it did little damage to the plant. Mr. Swartz warned the committee of another plant that may soon be in Kansas as it has travelled from South Dakota to Missouri. He gave information about the Purple Loosestrife (attachment 6) to the committee. He suggested that if the State Board of Agriculture did not want a county to sell chemicals for non-noxious weeds that they should send a letter with those instructions to the County Weed Supervisors.

The Chairman called for action on committee minutes.

Senator Arasmith made a motion the minutes of March 21 be approved. Senator Gordon seconded the motion. Motion carried.

The Chairman announced that he was appointing a subcommittee to study the issues of HB 2623. He appointed Senator Karr as Chairman and Senators Thiessen and Warren as members of the subcommittee and requested their report be ready for the Senate Agriculture Committee in one week or March 29.

The Chairman adjourned the committee at 11:02 a.m.

GUEST LIST

COMMITTEE: Senate Agriculture

DATE: March 22, 1988

NAME	ADDRESS	ORGANIZATION
Hagab Bottenhoff	Lincoln, KS	FARMER
Victor Suelter	Lincoln, KS	County Clerk
Dale Lambly	Topeka	KS BA
Dean Garwood	Topeka	KS BA
William T. Smith	"	"
Mike Kleiber	Hillsboro	Ag Service Inc + KFCA
Riley Walters	Cassoday	County Weed Directors
Roy Patton	Moundridge	County Weed Directors
GLEN DALLUGE	MANHATTAN	KFCA
MELVIN STEINLAGE	GENEA	KFCA
Jim Widrig	Beloit	KFCA
Jerry Cost	WHITING	Ks. Rural Center
Jake Hensley	Lewin	Farmer
J. Jim R. Hummel	Topeka	KFCA
Bill Miller	Manhattan	Hansen Farm Bureau
BOB BRADLEY	Topeka	KS Assoc. of Counties
Roy Mochamer	Osage City	Farmer
Evan Swartz	SN. Co	Weed Assoc.

TESTIMONY

HOUSE BILL NO. 2623

PRESENTED TO

SENATE COMMITTEE ON AGRICULTURE

by

Dale Lambley, Director  
Plant Health Division  
Kansas State Board of Agriculture

February 1988

*attachment 1*  
*3-22-88*



## TESTIMONY

### House Bill No. 2623

In November of 1986, the Kansas State Board of Agriculture, Plant Health Division undertook to thoroughly review the Noxious Weed Control program. This review was designed to pinpoint any problem areas in the program, develop corrective measures and insure that the program could meet future needs of noxious weed control in Kansas.

The review resulted in a number of proposals and recommendations designed to strengthen the program. These proposals were subsequently submitted to both the Kansas State Board of Agriculture and the interim committee. The Agency is already implementing those proposals which it can do on its own.

House Bill No. 2623 contains one of the remaining recommendations. Following our in-house review, the Plant Health Division proposed that chemical sales by county weed departments to property owners be limited to those materials used for control of noxious weeds. We were aware that in a few isolated instances, chemicals were being provided for use on mustard in wheat and similar uses. We believe that all County Weed Departments, like other agencies and businesses, have limited resources. As a consequence, time, energy and manpower devoted to sales of chemicals for control of non-noxious weeds detracts from the fundamental mission of the state and county programs. This mission is noxious weed control.

Since the Plant Health Division made the initial proposal contained in HB2623, other issues have arisen relative to Noxious Weed Program chemical sales which have caused some to view our recommendation in a different light. Never-the-less, we still adhere to the original proposal and the belief that the task at hand for the state and county noxious weed control programs is noxious weed control. We support this bill and have no amendments to recommend.

Testimony on HB 2623  
Senate Agriculture Committee  
March 22, 1988  
Prepared by Joe Lieber  
Kansas Cooperative Council

Mr. Chairman and members of the Committee, for the record my name is Joe Lieber, Executive Vice President of the Kansas Cooperative Council.

The Council supports HB 2623 because it does create some parameters for the counties and their noxious weed business.

Even though we support HB 2623 we hope the committee realizes that even with its passage the counties will still have a monopoly in the selling of chemicals to be used in the control of noxious weeds.

It is hard for our members to understand why county governments are allowed to compete, unfairly, with some of the highest taxpayers in the counties, the chemical dealers.

One of the other conferees will introduce and explain some proposed amendments to HB 2623.

*attachment 2*  
*3-22-88*

As you contemplate these amendments we would hope that you keep the following questions in mind.

1. Are Kansas taxpayers paying more taxes for their noxious weed program than other states?
2. Because of the lack of competition, are producers paying a higher price for chemicals?
3. Is the county in competition with privately owned, tax-paying businesses?
4. Will the new cost-share program do a better job in getting rid of noxious weeds?
5. Will the new program save producers money?
6. Will the new program save the counties money?
7. Will the new program allow the County Weed Director to spend more time identifying infected acres?

After hearing the testimony of the other conferees today it should be determined that the answers to these questions is a "yes."

Because of these "yes's" the Kansas Cooperative Council supports the passage of HB 2623 and the proposed amendments offered by the chemical dealers.

Thank you.



# KANSAS FERTILIZER AND CHEMICAL ASSOCIATION, INC.

816 S.W. Tyler St. P.O. Box 1517 A/C 913-234-0463 Topeka, Kansas 66601-1517

STATEMENT OF THE KANSAS FERTILIZER & CHEMICAL ASSOCIATION  
TO THE SENATE AGRICULTURE COMMITTEE

SENATOR JIM ALLEN, CHAIRMAN

REGARDING H.B. 2623

MARCH 22, 1988

Mr. Chairman and Members of the Committee, I am Chris Wilson, Director of Governmental Relations of the Kansas Fertilizer and Chemical Association (KFCA). KFCA's 450 members are retail firms, distributors and manufacturer representatives in the fertilizer and agricultural chemical industry.

H.B. 2623 would simply repeal the authority of counties to sell chemicals for nonnoxious weed control. We believe that selling chemicals for nonnoxious weed control is not consistent with the intent of the Noxious Weed Law and that removing this authority is appropriate and would serve to concentrate the county resources where they belong--on the control and eradication of noxious weeds. However, our Association supported the bill in the House with reservation, because we believe it does not go far enough to correct the problems with the present law and to provide tools for improving the state's control of noxious weeds.

Members of KFCA have been concerned for several years about our State's Noxious Weed Law. When the Legislative Post Audit report on the Law came out in 1985, confirming our beliefs that the Law was not being enforced and that noxious weeds were not

being effectively treated, we were hopeful that there would be some legislative proposals to correct the problems. When that did not happen, our members requested that the Association develop some recommendations. A Noxious Weed Task Force was established over a year and a half ago to study the Law and develop proposals for change. Since that time, we have done a great deal of research on our Law. Several of the members of the Task Force, who have worked so hard on this issue, are present today.

The Kansas Noxious Weed Law is the only one of its kind in the nation which pits county weed departments against the private sector. We surveyed and studied every other state's laws, and an attached sheet lists those other states which have cost-share programs and how they are structured to avoid competition with the private sector. Only Kansas puts the government entity in a private sector business. As one member of the House of Representatives said, it is a government owned and controlled monopoly--funded in part by those whose markets it takes. In a statement dated January 8, 1988, the Honorable Frank S. Swain, Chief Counsel of the U.S. Small Business Administration, said "I consider this type of situation an absolutely unjustifiable infringement on the private sector. The effect on small business owners is often devastating..." Under our State's Law, an incentive is provided to the producer/landowner to control noxious weeds, but only if he purchases the chemicals through the county. Because the county offers the taxdollar cost-share, the local dealer can't begin to compete, in most cases. So

presently, most dealers just send their customers to the county store to get chemicals for noxious weed control and don't even stock some of the chemicals. If the producer/landowner could receive the cost-share regardless of where he purchased his chemicals, then the dealers could be very competitive with the counties.

We have been talking for several months about such a system, to allow producers/landowners to purchase chemicals from the weed departments or through dealers with the use of cost-share certificates provided by the county. When we first suggested it, many county weed directors were afraid that we were proposing to eliminate their jobs. Others were afraid that if producers could not continue to purchase chemicals through the county, their cost of chemicals would increase. Others thought we were attacking the county commissioners and seeking to reduce their authority. Some were afraid that our proposal would increase paperwork or that the counties would lose control of where the chemical goes. When we met with representatives of the Kansas Association of Counties and the Weed Directors Association last December to explain our proposal and why none of those fears would be realized, they suggested that we meet on a county-by-county basis with commissioners to explain our proposal. So we have done just that.

We appointed a Noxious Weed County Chairman in all 105 counties and asked each chairman to meet with other dealers in the county and then to meet as a group, or one-on-one with their county commissioners. When H.B. 2623 was considered by the House of Representatives, we informed them that we were involved in



this process and might seek an amendment to the bill in the Senate if the results of our county meetings so justified. Included with this testimony is a copy of the information we provided to the county commissioners. With most of the meetings with county commissioners now complete, the overwhelming majority of commissions have indicated that they would not oppose a "producer option cost-share certificate program". A few have indicated opposition; more have said that they fully support such an option being available to producers/landowners.

In almost all of these meetings, our members have found that communication is the key. Their county commissioners were supportive of them once they learned exactly what the dealers are proposing. What these commissioners agreed to support or to not oppose is a "producer option cost-share certificate".

However, because we're talking about a significant change to a system which has been in place for decades and because this has been a controversial issue, we are not asking you to make such a dramatic change as the overwhelming majority of the counties would accept. We suggest that a pilot program be implemented through the State Board of Agriculture in the coming year, in perhaps 6 to 12 counties which would volunteer to participate. Through the efforts of the Board and the weed directors, dealers and producers in those counties working together, a producer option program would be established in the best and most efficient manner for all involved. If the pilot program proves successful, it could then be expanded to other counties wishing to participate.

With a system which has given us the most costly noxious weed program in the country; under which noxious weed infestations have increased 20% in the last five years; and which undermines an important segment of the local economy, surely it is incumbent on Kansas to make an effort to improve the present system.

Another concern we have with H.B. 2623 is that it repeals the counties' authority to sell chemicals for nonnoxious weed control without making any provision for special circumstances where a weed has not been declared noxious, but special treatment is needed. Some counties are currently concerned about *Sericea lespedeza*, for instance. We suggest that the bill be amended to allow counties to participate with landowners through the sale of chemicals, not at discount, for nonnoxious weeds which the State Board of Agriculture determines to be of such concern that this would be warranted.

Mr. Chairman and Members of the Committee, we know that you are all aware that noxious weeds are a serious and costly problem in Kansas, and respectfully offer an idea which we are firmly convinced can benefit all involved in treating them. Thank you for your consideration. I will attempt to respond to any questions or comments you may have.



OTHER STATES WITH COST-SHARING  
ON NOXIOUS WEED CONTROL -  
APPROACH TO COST-SHARING

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MONTANA	Farmers purchase chemicals from dealers and are reimbursed -- State funding is \$500,000 per year.
HAWAII	Farmers purchase chemicals from dealers -- State cost-share (\$40,000) is targeted to most serious problems.
VIRGINIA	Farmers purchase chemicals from dealers and are reimbursed -- State cost-share is \$90,000 annually.
MINNESOTA	Cost-share is provided only to those landowners who cannot afford to treat the weeds.
UTAH	Counties purchase chemicals from dealers only.
WYOMING	Counties purchase chemicals from dealers only.
NORTH CAROLINA	Farmers purchase chemicals from dealers and are reimbursed up to a specified amount.
OREGON	Farmers purchase chemicals from dealers and are reimbursed up to a specified amount.
SOUTH DAKOTA	County can sell chemicals only if they are not available through local dealers.
MARYLAND	Cost-sharing is only for providing technical assistance and spot spraying.
NORTH DAKOTA	County cost-share is maintained at a level (\$300,000) so as to not provide direct competition with the private sector.
IDAHO	Cost-share is maintained at a level (\$90,000) so as not to provide direct competition with the private sector.
ALL OTHER STATES	No cost-share provided.

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INFORMATION FOR COUNTY COMMISSIONERS  
CONCERNING THE KANSAS NOXIOUS WEED LAW

WHY KANSAS AG CHEMICAL RETAILERS WANT A CHANGE:

Under the present law, the private industry pays taxes to help support a county program which is in direct competition with them. According to KFCA's survey, the county weed department is in direct competition with the private sector in at least 75% of the counties.

Kansas is the only state in the country where this is the case. Reports from other states show that in states which provide cost-sharing, some precaution is taken to insure that there is not direct competition with private chemical dealers. Most provide the cost-share funds directly to the farmer and he purchases the chemical.

Kansas' chemical dealers also represent a great deal of expertise which can and should be utilized to help get the job of controlling and eradicating noxious weeds done. They can not now, because the county exclusivity prevents them from participating in the noxious weed market. Their expertise could be utilized to expand the force of the county weed department, to have more people involved in working on the problem. More workers will allow more to be accomplished, resulting in taxpayers receiving greater benefit for all the taxes which go into the noxious weed program.

Under the present system, Kansas counties spent \$8.4 million last year, and this amount increases every year. At the same time, infestations of major noxious weeds, as reported by the county weed directors, have increased 20% in the last 5 years. The county weed staff cannot handle this kind of a workload alone. If some change isn't made, counties will continue to expend large amounts of money on a continually growing problem. This has not been the experience of other state where the private sector is involved.



WHAT AG CHEMICAL DEALERS  
DO NOT WANT

WE ARE INTERESTED ONLY IN A CHANGE WHICH WILL NOT:

- o Reduce the authority of the county commissioners
- o Eliminate the county weed directors, or reduce their responsibility
- o Cost the farmers any more for noxious weed chemicals

Unfortunately, many county weed directors have been afraid that we were out to eliminate their jobs--and they have openly admitted this to us. This is simply not the case. We support the county weed departments and the vital role which they have in weed control in our state. We would hope to play a supporting role to them, allowing them to do more than they can alone..

By giving the farmer options, it will be assured that his cost will not be greater, unless he so chooses.

There can also be great benefits to the county government which you supervise.



BENEFITS TO COUNTIES OF PRIVATE SECTOR INVOLVEMENT  
IN NOXIOUS WEED PROGRAMS

° If county weed directors can spend less time purchasing and handling chemicals, they will be able to spend more time working with landowners; identifying acres infested; seeing that noxious weeds not now being treated are dealt with; and treating public lands infested with noxious weeds. This will result in increased weed control and increased yield production for farmers. Presently, many of the same people treat their noxious weeds year after year, spending a great deal of their own money in addition to county tax dollars, only to be reinfested again from neighboring private or public lands (i.e. roadsides and ditches) which have gone untreated.

° The county will be able to increase tax revenues, which will be received from dealers on their sales and from producers on increased production income.

° Potential liability increases every year for anyone storing and handling chemicals. The county liability in this area can only increase. This was affirmed by an Attorney General's opinion, No. 86-173, requested by the Saline County Attorney, which states that counties are liable for claims arising from their sale of chemicals. This includes liability for damages of any type, including environmental contamination. This is part of doing business for the private firm, which is solely involved in the agricultural chemical business day in and day out. But for the county, with a myriad of divergent responsibilities, this can be just another headache and cost.

° Likewise, regulations affecting the chemical business are continually increasing, County governments must comply with those just as the private sector must. The recently enacted Emergency Planning and Community Right-To-Know program is just one example. Not only must the county enforce the Law, through the Local Emergency Planning Committee, it must also comply with the Law because it stores and handles large volumes of chemicals. By the end of 1988, it is unlikely that Congress will have passed further controls on pesticides through reauthorization of FIFRA (the Federal Insecticide, Fungicide and Rodenticide Act) and possible major groundwater legislation. Those in the chemical business must become trained and knowledgeable about all the regulations affecting pesticides and must devote the time and money necessary to bring facilities in compliance with those regulations and to do the required paperwork.

° Counties can also expect to pay substantial sums in the future for building and facility changes and equipment. Even those with newer structures should expect that state-of-the-art technology is rapidly changing for fertilizer and chemical storage facilities. Standards are being considered at both the federal and the state levels and must be implemented in the future if groundwater is to be adequately protected. This, too, is part of doing business and accepted by the private sector.



## WHAT CHEMICAL RETAILERS ARE PROPOSING

### A COST-SHARING OPTION FOR THE FARMER, CONTROLLED BY THE COUNTY COMMISSIONERS AND WEED DIRECTOR

The farmer would have the option of either:

1. Purchasing chemicals for noxious weed control from the county just as he does now

OR

2. Obtaining a certificate from the county in the amount of cost-share that would be available to him from the county, and using it to purchase chemicals from the dealer of his choice

In those counties where there is no problem, this would mean no change. The program would continue as is.

### HERE'S HOW COST-SHARE CERTIFICATES COULD WORK:

1. The farmer identifies his acres infested with noxious weeds.
2. The farmer either goes to the county weed department office or asks the weed director to visit his farm when he's in the area. They discuss the problem, what chemical should be used, when and at what rate. The farmer either then purchases his chemicals from the weed department or asks for a cost-share certificate.
3. If he requests a cost-share certificate, the weed director fills out a certificate form, almost identical to the state Form 29, which weed directors are required to fill out on each customer they work with. So, the certificate would mean no more paperwork for the weed director. He keeps a copy of the form and gives one to the farmer. (Or it could be a simple triplicate form, where he keeps the original and gives the bottom two copies to the farmer.)
4. The farmer goes to the dealer of his choice, perhaps to work a total weed control package for his farm. The dealer shows the amount which the county will cost-share for noxious weed control as a credit on the farmer's invoice and keeps a copy of the certificate.



5. The dealer collects all of the cost-share certificates brought to him by customers, and monthly submits them to the appropriate person, i.e. the county clerk, for reimbursement. The county would have checks to write only during months when noxious weeds are being treated and the number of checks would be no more than the number of dealers in the county. This extra work would be more than offset by work saved in the weed department, allowing those employees to concentrate on more important matters. Also, fewer checks should have to be written for the purchase of chemicals, as many counties buy several times throughout the year.

AG CHEMICAL FIRMS MAKE AN IMPORTANT CONTRIBUTION TO YOUR COUNTY. WE PROVIDE JOBS, TAX REVENUES AND SERVICES. THE PRESENT NOXIOUS WEED SITUATION IS PREVENTING US FROM COMPETING IN THE FREE ENTERPRISE SYSTEM, OUR RIGHT AS CITIZENS OF THIS COUNTY, STATE AND NATION.

WE ARE COMMITTED TO MAKING A COST-SHARE CERTIFICATE SYSTEM WORK IN SUCH A WAY THAT IT WOULD BENEFIT THE COUNTY AND PRODUCERS, AS WELL AS GIVE US THE OPPORTUNITY TO COMPETE. WE ARE OPEN TO ANY SUGGESTIONS YOU HAVE AS TO HOW IT COULD WORK MOST EASILY AND EFFECTIVELY FOR YOU.

CHANGE IS NEVER EASY, BUT IT IS OFTEN FOR THE BETTER. THIS IS WHERE KANSAS IS WITH ITS NOXIOUS WEED LAW. LIKE IT OR NOT, CHANGE IS NEEDED. IF WE WILL BE OPEN TO CHANGE, WE BELIEVE WE WILL FIND THAT ALL INVOLVED WILL BE HAPPIER ONCE THE CHANGE IS MADE.

AS OUR COUNTY COMMISSIONERS, WE ASK AND NEED YOUR SUPPORT.



KANSAS NOXIOUS WEED LAW

CERTIFICATE OF COST-SHARE

Date \_\_\_\_\_ 19\_\_\_\_ County \_\_\_\_\_ Township \_\_\_\_\_ No. \_\_\_\_\_

Owner \_\_\_\_\_

Operator \_\_\_\_\_

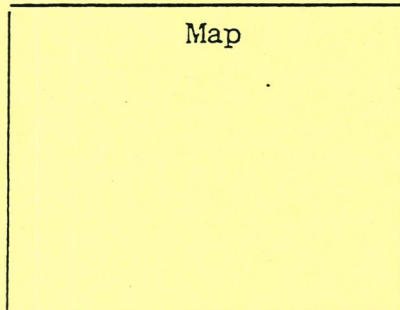
Address \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Telephone \_\_\_\_\_

Land to be treated: Sec \_\_\_\_\_ Twp. \_\_\_\_\_ Range \_\_\_\_\_ Area \_\_\_\_\_  
Legal description \_\_\_\_\_ Nearest 1/10 A or sq. rods \_\_\_\_\_



Weed(s) to be treated: \_\_\_\_\_ Amount of cost-share per unit: \_\_\_\_\_

Chemical to be applied: \_\_\_\_\_ Total amount of cost-share: \_\_\_\_\_

Units Needed: \_\_\_\_\_

Additional information \_\_\_\_\_

\_\_\_\_\_  
Owner or Operator

Chemical purchased on: \_\_\_\_\_ 19\_\_\_\_  
Date

\_\_\_\_\_  
County Weed Director

\_\_\_\_\_  
Chemical retailer

March 15, 1988

Nortonville Farm Supply Inc.  
Robert Schrick, Mgr.

Dear Bob;

I was glad to hear that Fertilizer & Chemical Dealers are concerned about the counties of Kansas buying and selling so much chemical. If we continue to let Government have a part in our private affairs, we will not have American Freedom.

It is my thinking, that the dealers and applicators should handle the chemical sales and do the applying, on noxious weeds as they do with fertilizer and treatment of non-noxious weeds. The private sector can, and always have done a more efficient job of getting a job done than has the government.


Perhaps the "Noxious Weed Law" is outdated and needs to be taken off the law books. It is 50 years old and there are many things that make it unnecessary. The Extension Agents and chemical Co. can & do provide the know how to control weeds of all kinds.

When the Law was written the intent was to help the major part of the economy of Kansas (the farmer) to survive. It has turned into a retail business and a part in the Kansas Government that could be done away with.

It is my belief, that one weed is not enough harder to control than another, to justify the expense of government being involved to the extent that it is at this time.

In the 22 years I was "Jefferson County Weed Director", I felt the way I have tried to express in this letter. Now that I am retired, I feel more strongly than ever, that Government should stay out of things that it is not # needed to be involved in.

Sincerely yours

  
David A. Perry

Retired Weed Director



# PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

RE: H.B. 2623 - Limits sale of chemicals by county weed departments to noxious weeds.

March 22, 1988  
Topeka, Kansas

Presented by:  
Bill R. Fuller, Assistant Director  
Public Affairs Division  
Kansas Farm Bureau

Mr. Chairman and Members of the Committee:

My name is Bill Fuller. I am the Assistant Director of the Public Affairs Division of Kansas Farm Bureau. We appreciate this opportunity to express our support of H.B. 2623.

H.B. 2623 is the product of the 1987 Special Interim Committee on Agriculture and Livestock. After extensive study and review of the Noxious Weed Law, a consensus was developed that would limit county weed departments to the sale of chemicals for controlling noxious weeds only.

Our members do not believe county weed departments constitute unfair competition for agricultural chemical dealers. However, they have adopted policy to limit county weed department activity to the control of noxious weeds. The voting delegates representing the 105 County Farm Bureaus adopted the following policy at the 69th Annual Meeting of Kansas Farm Bureau in Wichita, December 1, 1987:

*Attachment 4*  
*3-22-88*

## **Noxious Weeds**

Noxious weed eradication should have a high priority with state government and with each of our 105 counties. We believe the Board of Agriculture should provide more leadership and be given more authority to enforce noxious weed laws. We support setting minimum qualifications for applicants seeking employment as County Weed Directors. Expanding control methods to include herbicides, cultural and biological methods should be allowed. Enforcement should include increased penalties for violation of the law.

The cost-share incentives should be continued. Herbicides should continue to be available from County Weed Departments. We will support amendments to limit chemical sales by County Weed Departments for noxious weed control only.

Governmental agencies should be prohibited from sowing any cover crop on public rights-of-way that contains any noxious weed seed or restricted weed seed in excess of tolerances allowed in the Kansas Seed Act. Mulching materials used on public rights-of-way should be free of noxious weeds and noxious weed seed.

Landowners and tenants should be authorized to conduct timely spraying and mowing to control noxious and other objectionable weeds and grasses on rights-of-way adjacent to their own land.

Thank you for giving this opportunity for us to testify in support of H.B. 2623. We will attempt to answer any questions you may have.

# Kansas Association of Counties

*Serving Kansas Counties*

212 S.W. Seventh Street, Topeka, Kansas 66603

Phone (913) 233-2271

March 22, 1988

To: Senator Jim Allen, Chairman  
Members Senate Agriculture Committee

From: Bev Bradley, Legislative Coordinator  
Kansas Association of Counties

Re: HB 2623

Good morning ladies and gentlemen. I am Bev Bradley representing Kansas Association of Counties. HB 2623 would repeal K.S.A. 2-1314a which allows County Commissioners, township boards, and city officials to cooperate with landowners in the eradication of non noxious weeds. The chemical and labor used would be charged at actual cost of operation. Our general position is that of support to permissive legislation, that which allows local officials to make appropriate decisions. However our association does not oppose HB 2623 based on a compromise position if that is the will of the legislature. We did oppose the concepts in HB 2593 which was part of the basis for the interim study and we support the proposal by the Department of Agriculture to add additional horticulture specialists to strengthen the noxious weed eradication program state wide.

*attachment 5*

*3-22-88*



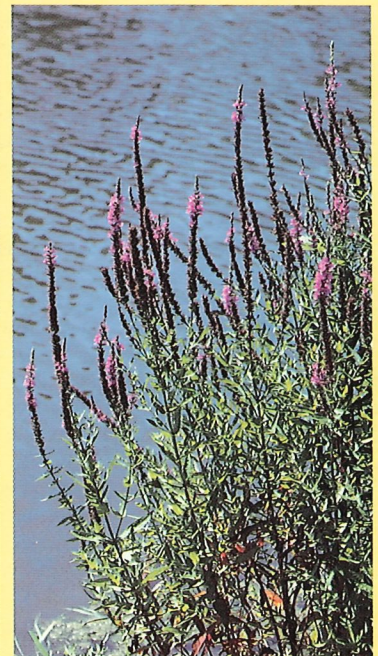
# SAY NO! To Purple Loosestrife

**Height:** 3 to 10 feet  
(5 foot average)  
**Leaves:** opposite or 3 in a  
whorl without teeth  
**Stems:** 4 angles, semi-woody  
at base

**Flowers:** with 5 to 7 purple  
petals, in long spikes  
at the ends of branches  
**Flowering  
season:** late June to late  
August



Flowering plants are very conspicuous  
and can be identified at 100 yards.



## Don't be fooled by these look-alikes . . .

**TALL BELLFLOWER**



**BLAZING STAR**



**BLUE VERVAIN**



Produced by Missouri Department of Conservation

attachment 6  
3-22-88



# Missouri Purple Loosestrife

## Alert



### What is Purple Loosestrife?

Purple loosestrife (*Lythrum salicaria*) is a perennial wetland herb that grows in sunny wetlands, ditches, around farm ponds and in other disturbed habitat. It is native to Europe and was accidentally introduced into North America in the mid-1800s. Because it has no natural enemies here, it has spread aggressively into wetlands throughout the northeast and the upper midwest. In 1963 only two wild populations of purple loosestrife were known in Missouri. However by 1985 we had over 40 wild populations.

Purple loosestrife has showy purple spikes of flowers, making it an attractive garden flower. The use of purple loosestrife in landscape plantings and flower gardens has added to its spread in Missouri. Seven hybrids that are considered non-aggressive are now commercially available. They are: Morden Pink, The Rocket, Rose Queen, Dropmore Purple, Columbia Pink, Morden Rose and Morden Gleam.

Purple loosestrife reproduces prolifically by cuttings and offshoots as well as by seeds. A single plant may produce up to 300,000 seeds, which are carried by wind, water and animals.

### Why Is It A Problem?

Purple loosestrife is so aggressive that it crowds out the native plants that are used by wildlife for food and shelter. Purple loosestrife has almost no wildlife food and shelter value, and so where it invades, valuable wildlife habitat is destroyed. Once established it can destroy marshes and wet prairies and choke waterways.

### Where and When to Look . . .

The photographs on the opposite side of this sheet show how to recognize the plant and how to distinguish it from other similar flowers. It now occurs primarily in the northeast quarter of the state, but might be found anywhere in Missouri. The brilliant purple spikes are showy from late June or early July through late August. Look for it in marshes, wet prairies, along streams, around farm ponds, and in moist fields, pastures and roadside ditches.

### How to Control It . . .

Purple loosestrife spreads rapidly by the very numerous seeds (up to 300,000 per plant) produced annually. For this reason it is very important to locate and eradicate the first plants to invade a wetland basin or habitat. An ounce of prevention is worth many, many pounds of cure later on.

Small infestations of up to 100 plants are best eliminated by hand pulling. Pull all or as much as possible of the root system out. If the plants are simply broken off at the soil surface, the "root crown" will sprout new stems. Pull plants early in the flowering season if possible to avoid scattering seeds in the removal process. Remove all stems from the wetland area as discarded stems will sprout and create new plants.

Clusters in excess of 100 plants, up to three acres, and plants too large to pull out, are best controlled by herbicides. Currently, loosestrife can be controlled with Roundup™ on terrestrial sites and Rodeo™ in wetlands and over water. These are U.S. Environmental Protection Agency registered herbicides that should be applied by licensed herbicide applicators following label instructions.

Larger infestations are not presently controllable but may be contained in some situations by pulling and/or herbicide treatment of individual plants as they spread around the periphery of dense stands. Effective control of large infestations is dependent on future research. Present action is aimed at containing the spread of this weed.

### FOR MORE INFORMATION . . .

Or to report a population of purple loosestrife write:

PURPLE LOOSESTRIFE ALERT  
Missouri Department of Conservation  
P.O. Box 180  
Jefferson City, MO 65102

