

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on March 8, 1995, in Room 423-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:
Dennis Peterson, Director, Riley County Weed Department

Others attending: See attached list

Hearing on SB 206 - Giving the county weed directors the power to seize noxious weed seeds or plants; amending the penalty section; unpaid labor costs collected as other taxes

Chairperson Flower opened the hearing on **SB 206** and asked Jill Wolters, Revisor of Statutes, to brief the committee on the bill. She reported that the Senate Agriculture Committee had amended the bill to delete all of the provisions of the bill, except for the one that would increase the penalty for violation of the Kansas Noxious Weed Law. The bill would increase the fine for violation or failure to comply with the Kansas Noxious Weed Law from not less than \$50 nor more than \$500 for each count to a fine of \$100 per day for each day of noncompliance up to a maximum fine of \$1,500.

The first section deleted in the Senate would have provided for the seizure and disposal of noxious weed infested materials. The other sections would have deleted the limitation of percentages of the assessed value of land that can be applied to the tax rolls when there are unpaid accounts resulting from treatment of noxious weeds by the county. These sections would have allowed them to collect the entire amount within one year. These deletions were sections of **SB 206**, only, not deletions of current law.

Dennis Peterson, Director, Riley County Weed Department, and Past President of the County Weed Director's Association of Kansas, testified in support of **SB 206**. He felt the current fine of \$50 to \$500 per violation was not a very effective deterrent to violation of the Noxious Weed Law. Their organization requested that the penalty be increased to \$100 per day for each day of noncompliance up to a maximum fine of \$1,500. Nebraska implemented this procedure several years ago and had been successful in achieving landowner compliance. Their association felt that increased penalties would strengthen compliance with the Kansas Noxious Weed Law. (Attachment 1)

When asked whether he supported the stricken sections of **SB 206**, Mr. Peterson responded that their organization thought they would have helped the county weed supervisors recover county money sooner and provide more options to better enforce the Kansas Noxious Weed Law. He understood that there was a possibility that these issues would be studied in an interim committee.

William Scott, State Weed Specialist with the Department of Agriculture, who was in attendance, said that the Board of Agriculture can stop the sale of an infested commodity and had done so on several occasions. They have a field staff of five investigators that enforce the Plant Pest Act and the Kansas Noxious Weed Law. There are eleven noxious weeds in the state, plus two county option weeds. Mr. Scott had no official word from the Secretary of Agriculture on whether or not the department approved of the stricken amendments in **SB 206**.

Rebecca Johnson-McNichols, Director of the Noxious Weed Department in Jewell County, provided written testimony in support of **SB 206**. Due to limited financial resources, she stated that Jewell County had been

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on March 8, 1995.

restricted in its enforcement of the Kansas Noxious Weed Law. Rather than having the county treat an infested property, they had been relying on fines to enforce the eradication of noxious weeds. She thought that the increased fine would provide the necessary incentive to landowners to control noxious weeds. (Attachment 2)

This concluded the hearing on **SB 206**.

The meeting adjourned at 9:45 a.m. The next meeting is scheduled for March 9, 1995.

COUNTY WEED DIRECTOR'S ASSOCIATION OF KANSAS

HOUSE COMMITTEE ON AGRICULTURE

RE: S.B. 206 - An act relating to noxious weeds; amending the penalty section

**March 8, 1995
Topeka, Kansas**

**Presented by:
Dennis Peterson, Past President
County Weed Director's Association of Kansas**

Chairperson Flower and members of the Committee:

My name is Dennis Peterson. I am past president of the County Weed Director's Association of Kansas and director of the Riley County Weed Department. We appreciate the opportunity to express our support on Senate Bill 206.

Senate Bill 206 deals with the penalty section of the Noxious Weed Law that our association would like to see strengthened. The current fine of \$50-\$500 per violation has been in effect for over thirty (30) years. At the time this penalty was initiated, it was a substantial penalty. Today, it is not a very effective deterrent to violating the Noxious Weed Law. We are asking for the penalty to be increased to \$100 per day for each day of noncompliance up to a maximum fine of \$1,500.

The Nebraska Department of Agriculture implemented the same procedure several years ago and has been very successful in achieving landowner

*House Agriculture
Attachment 1
3-8-95*

compliance. Our ultimate goal is to obtain compliance of the Noxious Weed Law and bring noxious weeds under control.

Our association feels that if the penalties are increased, this would strengthen the Kansas Noxious Weed Law and help us reach our goal of controlling noxious weeds in Kansas.

Again, I would like to thank you for this opportunity to express our support of Senate Bill 206.

S.B. 206 - An act concerning agriculture; relating to noxious weeds; amending K.S.A. 2-1323 and K.S.A. 1994 Supp. 2-1320 and 2-1332 and repealing the existing sections.

Testimony presented to the
House Committee on Agriculture
March 8, 1995
Topeka, Kansas

by
Rebecca Johnson-McNichols
Jewell County Noxious Weed Director

Chm. Flower and members of the Committee:

My name is Rebecca Johnson-McNichols. I am the Director of the Noxious Weed Department in Jewell County. I would like to testify in support of Senate Bill 206 and appreciate the opportunity to do so.

As I outlined in my testimony for S.B. 205, Jewell County has been restricted in its enforcement of the Noxious Weed Law by very limited financial resources. Rather than utilizing the option to treat an infested piece of property through the current Legal Notice procedures, we have been limited to utilizing the fine system or diversion agreements. The changes proposed in S.B. 206 would allow my county greater flexibility and effectiveness in enforcement and eradication of noxious weeds.

Our current fine system of \$50.00-\$500.00 per count is no incentive to control noxious weeds - particularly for large landowners. Five hundred dollars may have been a deterrent thirty years ago, when the cost of treatment was under \$1.00 per acre. However, treatment costs today have soared to \$5.00-\$20.00 per acre. In many cases it is cheaper for the landowner to pay \$500.00 than to invest in treatment. A \$50.00 "penalty" so low it is almost not worth the effort it takes to run through the hurdles necessary to prosecute. Raising the fine to \$100.00 per day up to \$1500.00 would finally give this penalty the strength necessary to prevent landowners from paying a fine as an "easy way out", completely avoiding treatment. I believe it is a necessary incentive many landowners need to treat their problems without being forced to do so.

*House Agriculture
Attachment 2
3-8-95*

I have persevered over the past seven years to enforce the Kansas Noxious Weed Law with limited resources. The changes proposed in S.B. 206 would finally allow county Weed Directors to quickly and effectively address violations and reduce acreages of noxious weeds more rapidly than ever before.

I believe the Weed Directors and County Commissioners across Kansas would appreciate your support of Senate Bill 206. As a farmer and landowner myself, I feel that increased fines are long overdue to deter violators and handle noxious weed infestations before they get out of hand.

Thank you for your consideration and opportunity to speak in support of S.B. 206.