

STATE OF KANSAS

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LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

February 8, 2018

The Honorable Dan Kerschen, Chairperson
Senate Committee on Agriculture and Natural Resources
Statehouse, Room 225-E
Topeka, Kansas 66612

Dear Senator Kerschen:

SUBJECT: Fiscal Note for SB 344 by Senate Committee on Agriculture and Natural Resources

In accordance with KSA 75-3715a, the following fiscal note concerning SB 344 is respectfully submitted to your committee.

SB 344 would amend existing law concerning noxious weeds to create the Kansas Noxious Weed Act. Terms used in the bill are defined, and the bill would establish the circumstances under which the Secretary of the Kansas Department of Agriculture (KDA) could make an emergency declaration of noxious weeds. The bill would also establish an eleven-member State Noxious Weed Advisory Board which would meet quarterly to report on expenditures, program effectiveness, and make recommendations for the use of state funds. The bill would make it unlawful for any person to import, introduce, plant, sow, move, knowingly allow to grow, fail to control the spread of, and eradicate any species of plant declared a noxious weed under this Act.

In addition, the bill would make it unlawful to sell, barter, give away or transport materials containing noxious weed plant material or seeds or to transport into or within the state any machinery that is infested with any noxious weed plant material or seeds. Any and all alfalfa, grass, hay or other forage, straw, or mulch used for any purposes within the boundaries of lands owned or managed by the state would be required to be certified weed free.

The bill would authorize the Secretary of the KDA to adopt rules and regulations to declare species of plants as noxious weeds. Any declaration would apply to all counties in the state, but no declaration other than an emergency declaration could be made without the recommendation of the State Noxious Weed Advisory Board. Any violation or failure to comply with these rules and regulations would be considered a class C nonperson misdemeanor punishable upon conviction by a fine of \$200 per day for each day of noncompliance or for each violation.

The Honorable Dan Kerschen, Chairperson

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The bill would remove the state noxious weed list from statute and place it into regulations within a year of enactment. It would also strengthen the ability of county weed departments to enforce the law and specify how county noxious weed programs should be paid for. The bill would also make a number of technical corrections to existing law.

According to the Kansas Department of Agriculture, enactment of SB 344 would cause an increased demand for weed-free forage certification inspections. These inspections are a fee-based service provided by the KDA Plant Protection and Weed Control Program. Revenue from this program consists of charges based on additional hours of onsite and travel inspection time at \$30 per hour and associated mileage, which is charged at \$0.535 per mile. The agency indicates that because the Noxious Weed Control Program is already in place and operating, the expenditures for inspections that would result should be negligible. Expenditures for four meetings of the State Noxious Weed Advisory Committee, with an average of seven members claiming per diem and travel costs, are expected to amount to \$3,976 annually (\$142 per diem and travel costs X 4 meetings X 7 members). Expenses of the Committee would be paid from fee revenues for services provided by the KDA Plant Protection and Weed Control Program.

According to the Kansas Association of Counties, counties would still be responsible for the control and eradication of noxious weeds, but the advisory committee would oversee the program. The Association indicates that it is unlikely that enactment of SB 344 would have a fiscal effect on Kansas counties. Any fiscal effect associated with SB 344 is not reflected in *The FY 2019 Governor's Budget Report*.

Sincerely,



Larry L. Campbell
Chief Budget Officer

cc: Justin Law, Agriculture
Jake Fisher, KCC