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To: Special Committee on Agriculture and Natural Resources

From: Joanna Wochner, Principal Research Analyst; and
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Re: Noxious Weed Legislative History

Background

1895. The first law addressing control and eradication of noxious weeds in Kansas was passed by the 1895 Legislature. It was declared all weeds known as Russian thistle and Canada thistle should be destroyed on all lands by those who owned the land or the county commissioners. In addition, overseers of highways in every township or county were responsible to destroy all such noxious weeds if the owners or lessees refused to do so. Likewise, railway companies that were notified that noxious weeds were growing in their right of way were responsible for the noxious weeds' removal. The new law also allowed for prosecution if those responsible did not clear their noxious weeds – guilty of a misdemeanor.

1897. In 1897, the Legislature passed additional laws that required county road overseers to remove "cockle-burs, Rocky Mountain sand-burs, burdocks, sunflowers, Canada thistles, and such other noxious weeds that could be injurious to the best interests of the farming community."

1915. The 1915 Legislature updated the noxious weeds a township trustee should remove from public roads and highways to include "cockle-burrs, Rocky Mountain sand-burrs, burdocks, sunflower, Canada thistles, Johnson grass, and other obnoxious weeds."

1935. By 1935, the the Legislature recodified the Kansas Statutes and the laws regarding noxious weeds were changed to state it is the duty of every person and corporation to destroy on all occupied lands, all weeds known as "cockleburs, Rocky Mountain sandburs, burdocks, sunflower, Canada thistles, [and] Johnson grass."

1937. In 1937, the Legislature repealed the noxious weeds law and passed the Field Bindweed Control Act. The law required field bindweed be controlled and pesticides for control be available through county commissions. The law also required Kansas State University to approve the methods of control.

1943. The 1943 Legislature passed a comprehensive Noxious Weed Act, which authorized the State Board of Agriculture (the predecessor of today's Kansas Department of Agriculture [KDA]) to adopt official methods of noxious weed control. The list of noxious weeds

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was expanded to include: kudzu, field bindweed, Russian knapweed, hoary cress, Canada thistle, quackgrass, leafy spurge, burragweed, pignut, musk thistle, and Johnson grass.

1988. The 1988 Legislature repealed provisions in the law that previously permitted county commissions, township boards, and city officials to cooperate with landowners in the treatment and eradication of weeds not declared to be noxious by legislative action. That legislation also allowed county commissioners or the Secretary of the State Board of Agriculture (now KDA), upon receiving a petition, to declare sericea lespedeza a noxious weed. Previously only multiflora rose could have been declared a noxious weed by county commissioners or the Secretary.

1991. In 1991, the Legislature passed a bill allowing any board of county commissioners to adopt a resolution authorizing the establishment of a program to provide chemicals used in the control and eradication of noxious weeds through dealers on a discount basis.

1995. The 1995 Legislature eliminated language in the law requiring the county weed supervisor in each county to cooperate with the county assessor and deputy assessor in locating infestations of noxious weeds. The bill also changed the date when boards of county commissions and governing bodies of cities and township boards were required to make an annual weed eradication progress report from January 15 to February 15 and clarified that the State Board of Agriculture (now KDA) could require additional weed reports through rules and regulations.

The bill also changed the notice requirements for landowners with an infestation of noxious weeds on their property by adding general notice published in the official county newspaper, in addition to official notice by mail, to the approved methods of notifying landowners of infestations on their property.

The bill made changes to what is to be contained on the legal notice sent to owners and operators or supervision agents when inspection reveals that satisfactory treatment progress has not been made to noxious weed infestations and changed the time within which noxious weed control was to be completed to not less than five days after mailing the notice for all weeds.

The bill also made it permissive, rather than mandatory, that the county weed supervisor enter infested land for eradication and control and requires that the legal notice sent to a landowner, owner, or operator contain a statement that they may be prosecuted under the Noxious Weeds Law.

Another bill changed the penalty for a violation of the law to \$100 per day of noncompliance up to a maximum fine of \$1500. Previously the penalty had been not less than \$50 nor more than \$500 for each count.

1998. In 1998, the Legislature passed a bill that, along with some technical cleanups, made sericea lespedeza a state-designated noxious weed, added the seed of the sericea lespedeza to the list of noxious weed seed, required Kansas State University to establish a two year research project to study the biology and control of sericea lespedeza, subject to appropriations, and allowed boards of county commissioners to declare the bull thistle to be a noxious weed in their counties.

2002. The 2002 Legislature passed three bills amending the Noxious Weeds Act. The first allowed a petition with a proposition calling for an election to establish a county program to provide chemical material through chemical dealers using discount certificates. If the petition was valid, the county election officer would submit the question at the next state or county-wide election. If the majority approved the establishment of such a program, the county would have to establish the program within 18 months.

The second bill passed in 2002 related to sericea lespedeza disaster areas. The bill allowed the Secretary of Agriculture to designate any county as a sericea lespedeza disaster area in order to provide for control and eradication in that county. Such a disaster area could be designated from July 1, 2002, until June 30, 2005.

The final bill passed by the Legislature in 2002 required the Secretary of Agriculture, in cooperation with the Secretary of Wildlife and Parks, to designate a parcel of land managed by the Kansas Department of Wildlife and Parks (now the Kansas Department of Wildlife, Parks, and Tourism) at Toronto Lake as a research area to study and demonstrate methods of control or eradicating sericea lespedeza. The provisions of the bill were to sunset on June 30, 2007.

2004. In 2004, the Legislature eliminated the sunsets on the sericea lespedeza disaster area and the sericea lespedeza control and eradication project at Toronto Lake, both which had been established in 2002.

Current Legislation

During the 2015 Legislative Session, SB 134 was introduced by the Senate Committee on Agriculture. The bill would amend the Kansas Noxious Weed Act that is administered by the KDA, removing the State Noxious Weed List from statute and placing it into regulations within one year of enactment. The bill also would establish the State Noxious Weed Advisory Board and strengthen the ability of county weed departments to enforce the law, also requiring the use of certified weed-free forage on state lands.

The Senate Committee on Agriculture held a hearing on the bill on February 10, 2015. The Senate Committee voted to request an interim committee on the topic of noxious weeds and no further action was taken by the 2015 Legislature. The bill remains in the Senate Committee on Agriculture.

JW-HCO/rc