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Lincoln, NE. July 22-24, 1992. 3:13-15.*

*Sponsored by: United States Department of Agriculture, Agriculture Research Service,
University of Nebraska, Lincoln, NE, DowElanco, Nebraska Leafy Spurge Working Task
Force.*

Noxious weed control in Nebraska under a new weed law

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Nebraska Weed Control Legislation has come full circle in the past hundred or so years of weed control enforcement. We started in 1873 with a Canada thistle law that required cutting or mowing to prevent seed from ripening under a penalty of a fine of from \$10 to \$40. Any person could go on another's land to cut; without danger of a trespass suit; however, a double barrel shotgun may have dissuaded a few people. A \$20 fine was issued if you were convicted of selling hay or seed that contained Canada thistle seed.

1922 - Landowners had to start controlling all vegetation to the middle of the road, and railroads had to start controlling weeds on their right-of-ways. The overseer of the county roads could charge railroads \$2 per day per man, \$1.50 per day per team of horses, \$2 per day per mowing machine, and .25-cents an hour for hand scythe.

1929 - Metropolitan cities had to start controlling weeds and worthless vegetation.

1937 - Weed eradication districts were established. Bindweed and Puncture Vine were added to the noxious weed list. I wonder if puncture vine was added because of crop loss or flat tires.

1959 - The Nebraska Weed Control Association was formed. At the time of organization, only voluntary districts were formed. After considerable hard work, this group developed a goal to weed control compulsory in each county of the state and to promote the profession and professionalism of weed control.

1962 - The 1873 Canada Thistle Law was still in force. A barberry eradication program had been added and designated noxious weeds were: field bindweed, puncture vine, leafy spurge, Canada thistle, and musk thistle. All counties were mandated to be included in a weed district. The Nebraska Director of Agriculture was given the responsibility to enforce the Weed Act.

1965 - A new Weed Act was written by the Nebraska Department of Agriculture with advice provided by weed scientists from the U.S. Department of Agriculture and the Weed Science Society of America. This amended version is what we have today.

1975 - The word eradication was removed from the Weed Law; 12 weeds were removed from the statute; and the Director designated musk thistle, canada thistle, plumeless thistle, and leafy spurge as noxious. All counties must have a Weed Control Superintendent and be certified annually by the Director.

1980 - Due to budget cuts, field staff for Noxious Weed Control on the State level was reduced.

1983 - A 15-day fine and 10-day force control notice was established. The 15-day notice provided for a fine of \$50 per day, up to 15 days for failure to control noxious weeds. The 10-day notice provided for force control measures to be taken by the landowner. The cost of control was to be assessed to real estate taxes and draw interest at the same rate as unpaid real estate taxes.

1986 - The Noxious Weed Budget was eliminated at the Department of Agriculture. Nebraska did not have any noxious weed enforcement programs. We had a state statute on the books with no enforcement, no training, and no certification.

The Nebraska Weed Control Association and the newly formed Nebraska Leafy Spurge Working Task Force joined forces and became lobbyists, legislators, and to some a pain in the neck. We showed slides, gave talks, suggested changes to numerous legislative bills. We got on a first-name basis with some of the senators. We spent more time at the capitol than at home, trying to catch senators between sessions; but we managed to hold the law together. At this point we had 93 counties which could enforce the law under 93 different ideas or "how to's". We had to sell ourselves to the counties and convince them to accept a standard set of rules and regulations dealing with enforcement of the Weed Law. We did it!

We needed to define and designate training. Back to the legislature. We got it. We continued to push to get the Department of Agriculture back into weed control. We got it, even though our governor vetoed the bill, the legislature overrode the veto. Our new Weed Act went into effect November 1, 1989. We now have a State Program Supervisor, six field men to assist and monitor country program, a mandatory training program for superintendents, a force control or fine option of up to \$1,500 per violation, and a quarantine program. We also have a mandated State Noxious Weed Advisory Committee that helps advise the Director of Agriculture in noxious weed matters. This committee represents rural, urban, public, and private sectors.

The Director of the Department of Agriculture establishes which plants are noxious, which control measures are to be used, and approves the training for the weed control superintendents.

Each County Board is required to employ one or more Weed Control Superintendents to inspect, compile data, consult, render assistance, and give direction for effective weed control in their county.

The County Control Authority is the County Board of Commissioners/Supervisors, or a separate independently elected Weed Board.

Overseeing the County Weed Control programs is the Director of the Department of Agriculture and six Agricultural Inspectors who monitor and evaluate the county programs. Funding for the county program is derived at the local level through a mill levy

system approved by the County Board. If a Control Authority fails or refuses to carry out a suitable program, the Director of the Nebraska Department of Agriculture is required to instruct the County as to needed changes. Continued refusal or failure, results in the State Attorney General filing a suit against the County Control Authority.

Funding for the State program is raised through a registration of economic poisons of \$40; of this fee, \$10 goes to the Economic Poisons Registration Fund and \$30 goes to the Noxious Weed Cash Fund. These funds are matched by funds from the general fund. None of these funds go to county funds and Nebraska has no provision for cost share.

At the county level, Nebraska weed laws designate the landowner or controller as the responsible party. After the superintendent has inspected the property and determined that there is an uncontrolled infestation, the Weed Control Authority may issue a 10-day force control notice, a 15-day fine notice, or both. The fine notice is a fine of \$100 per day for a maximum of 15 days for each day of noncompliance per legal. The 10-day notice allows the Control Authority to control the infestation after the end of the ten days. If the amount is unpaid after 60 days, the charges are certified at the County Treasurer's Office and become a part of the land taxes and bear interest at the same rate as unpaid taxes.

February 20, 1992 - The Nebraska Weed Control Association adopted a Certification Standard for Noxious Weed Free Forage. The State Department of Roads has agreed to purchase certified hay for mulch on roadsides. The success of this new program in Nebraska is yet to be determined. In Nebraska both County Weed Superintendents and State Inspectors collect data on acres of land infested with noxious weeds. Reports indicate a variance in acreage that we hope to stabilize with standardized methods of estimating acreages. Nebraska differs in total acreage reported by the weed superintendent reports and the state inspectors. The superintendent reports indicate a total of 669,646 acres of spurge in 1990 while the state survey shows 411,405 acres. In 1991, the superintendent reports indicated 578,710 acres compared to the state survey of 409,671 acres. It will be interesting to compare notes for 1992. Meetings such as this, and organizations such as the Nebraska Leafy Spurge Working Task Force, have spread the word about the impact that leafy spurge has on our society. Leafy spurge has almost become a common buzz word around farm shows, sale barns, and coffee shops. There is an awareness by most, but not all. Sometimes you have to get a person's attention through enforcement action before you can educate him/her. I'm sometimes asked what I do as a Weed Control Superintendent. I tell them, "I sell an educational program, and if they don't buy it, I'll fine 'em!" Unfortunately, it's not as easy as it sounds. We have to deal with attorneys and county boards who, for some reason, do not have control high on their list of priorities. The Department of Agriculture does have a challenge encouraging these counties to improve their programs.

The future of our programs depend on how we as professionals conduct ourselves, our programs, and how we sell ourselves to our constituents.