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Detailed Explanation of SB 134

This document will walk through SB 134 and identify and explain all of the proposed changes to the noxious weed law. SB 134 targets three areas in making improvements in the Kansas Noxious Weed Act. First and foremost, the bill creates the state noxious weed advisory committee and places the state noxious weed list in regulation. Second, SB 134 makes changes to the noxious weed act that streamlines the administration of the law by KDA and county weed departments. Finally, the bill updates and cleans up the act in order to accommodate the changes proposed as well as address outdated and unused provisions. In this document each area of explanation will be covered in the order it appears in the bill and is color-coded to match with its corresponding improvement target area. Those changes dealing with the advisory committee and putting the weed list in regulation will be in purple. Those dealing with streamlining the administration of the law will be green and those for updating the law will be in red.

1. New Section 1 groups all the definitions and moves them to the beginning of the Act.
2. New Section 2 gives the secretary the ability to make an emergency declaration of noxious weeds for an 18 month period of time.
3. New Section 3 outlines the creation of the state noxious weed advisory committee and delineates its authority and responsibilities.
4. New Section 4 pulls all of the references to unlawful acts throughout the law and concentrates them in this new section.
5. New Section 5 requires that certified weed free forage products be used on any state or federal lands in the state.
6. Section 6(a) is changed to accommodate the advisory committee recommendation to the secretary and the secretary's issuance of regulation regarding noxious weeds.
7. Section 6(b) calls for the existing noxious weed list in statute to expire July 16, 2014 in order to give time for the committee to be formed and regulations to be issued.
8. Section 6(c) gives county commissioners the authority to declare county noxious weeds and spells out the parameters of such a declaration.
9. Section 7(b) is changed to expire July 1, 2016 when the advisory committee and secretary will assume responsibility for determining if multiflora rose or bull thistle are noxious weeds.
10. Section 8 is adjusted to remove the reference to sericea lespedeza disaster areas. Sericea lespedeza is currently listed as a noxious weed.
11. Section 9 (a) is added to clarify that counties have responsibility for noxious weed control in the entire county unless cities or townships take on that responsibility. This is the current practice being followed, but wanted to clarify the statute.
12. Section 9 (c) removes the outdated reference to the division of noxious weeds, etc.
13. Section 9 (d) removes the outdated reference to KDA paying a portion of county weed director salaries. Also added language that allows counties to operate through the general fund.
14. Section 9 (e) removes the responsibility for reporting and providing a management plan from county commissioners and places it on the weed supervisor.

15. Section 10 removes the county commissioners' obligation to report to the secretary.
16. Section 11 removes the weed supervisor reporting requirements which were addressed in Section 9(e).
17. Section 11 (a) allows counties to use the general fund or levy a tax for noxious weed control and also spells out that carryover money shall be used for noxious weed work in the following year. This is current practice, but the changes bring clarity in the statute.
18. Section 11 (b) is new and pertains to records retention requirements.
19. Section 11 (c) removes a definition that was relocated to New Section 1.
20. Section 11 (d) removes language that was addressed in Section 14 (b) and (c).
21. Section 13 removes the limitation that counties can only collect the equivalent of 5 percent of assessed valuation per year of a debt incurred during voluntary transactions. Counties will still have the option to set up a payment plan, but this change should keep them from losing money on the deal. This section also adds language that allows for managing the program through the county general fund.
22. Section 14 (a) gives counties added flexibility to use noxious weed equipment to control weeds other than those that have been declared noxious.
23. Section 14 (b) and (c) spell out how the county can go about selling chemicals to landowners and gives the added flexibility of using the general fund if they so choose. Both (b) and (c) allow the county to charge 100 percent of their cost if they have levied a tax equivalent to 1.5 mills for the noxious weed program rather in a dedicated fund or through the general fund.
24. Section 14 (f) is new and requires that all money collected by the county for the sale of chemicals be used for noxious weed eradication whether through a dedicated fund or through the general fund.
25. Section 15 increases the penalties for violation of the act.
26. Section 17 (a) removes a definition already defined in New Section 1.
27. Section 17 (b) changes the date by which weed supervisors must post notice of noxious weed infestation. The flexibility to manage money through the general fund is also added in this section.
28. Section 17 (e) removes the requirements for legal notice from statute and adds that the secretary shall promulgate rules and regs defining legal notice.
29. Section 17 (f) allows electronic means to be used by weed supervisors to contact owners prior to issuing a legal notice.
30. Section 18 adds the flexibility for money management through the general fund and allows the county to either collect up to 50 percent of the cost of involuntary weed control per year via tax rolls or enter into a payment plan with the landowner.