

HOUSE BILL No. 2468

By Committee on Agriculture

2-9

AN ACT enacting the land stewardship and productivity act; amending K.S.A. 2-1321 and 19-211 and K.S.A. 2000 Supp. 2-1314, 2-1318, 2-1319, 2-1320, 2-1322 and 2-1323 and repealing the existing sections; also repealing K.S.A. 2-1315, 2-1316a, 2-1317, 2-1324, 2-1325, 2-1326, 2-1327, 2-1328, 2-1329 and 2-1330 and K.S.A. 2000 Supp. 2-1316, 2-1331 and 2-1332.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) This act shall be known and may be cited as the land stewardship and productivity act.

(b) The purpose of this act is to establish a program whose goal is to eradicate noxious weeds on public and private land and thereby protect the viability of the agricultural economy and natural resources of Kansas.

New Sec. 2. As used in this act:

(a) "Association of persons" means any organization, corporation or other entity that has legal responsibility for the ownership, management, control or supervision of land.

(b) "Competent in weed control and management" means the individual meets the requirements set forth in rules and regulations of the secretary.

(c) "Containment category" is the category of noxious weeds growing on less than 100 acres in a county and having the potential to be contained and possibly eradicated in that county.

(d) "Control" means preventing the production of viable seed and destroying the plants ability to reproduce by vegetative means both in conformity with the official control plan for that particular noxious weed.

(e) "Governmental unit" means a political subdivision or those supervising state-owned land.

(f) "Foreign weed category" is the category of noxious weeds not identified as growing in Kansas at the time they are declared by the secretary by rule and regulation to be noxious but that pose a threat to Kansas requiring immediate control if the noxious weeds were found to be growing in Kansas.

(g) "Management" means the planning and implementation of a coordinated program for the containment, suppression and, where possible,

1 eradication of noxious weeds.

2 (h) "Management category" means the category of noxious weeds
3 identified as growing on more than 100 acres in a county and the eradi-
4 cation of which is not biologically feasible. Management category shall
5 include the primary management subcategory and secondary manage-
6 ment subcategory.

7 (i) "Noxious weed" other than foreign weed means any plant declared
8 by the legislature to be noxious.

9 (j) "Primary management subcategory" is the category of noxious
10 weeds growing on more than 100 acres in the county but on less than
11 10,000 acres statewide and the eradication of which is not biologically
12 feasible.

13 (k) "Responsible party" means a person, association of persons, a gov-
14 ernmental entity, a railroad, an airport authority or those supervising
15 state-owned land, any of whom own, manage, control or supervise land.

16 (l) "Secondary management subcategory" is the category of noxious
17 weeds growing on more than 100 acres in a county and more than 10,000
18 acres statewide and the eradication of which is not biologically feasible.

19 (m) "Secretary" means the Kansas secretary of agriculture.

20 (n) "Those supervising state-owned land" means the ultimate legal
21 authority of the subdivision of state government having responsibility for
22 the management, control or supervision of state land.

23 (o) "Weed director" means a person employed by the county or city
24 and competent in weed control and management.

25 New Sec. 3. (a) Each responsible party shall control and manage, in
26 accordance with the rules and regulations adopted by the secretary, any
27 noxious weed on any land owned, managed, controlled or supervised by
28 any such responsible party.

29 (b) The secretary, a designee of the secretary, any weed director or
30 other public official is authorized to inspect any property, both public or
31 private, at any reasonable time to administer this act.

32 (c) Each responsible party shall provide free access and entry upon
33 any premises owned, managed, controlled or supervised by the respon-
34 sible party so that the secretary, a designee of the secretary, any weed
35 director or other public official who administers this act may inspect any
36 property, both real and personal, at any reasonable time.

37 New Sec. 4. The secretary shall establish or adopt by rules and reg-
38 ulations an official control plan for each noxious weed. Any person may
39 request that the secretary consider a control or management practice not
40 included in an official control plan.

41 New Sec. 5. The number of acres of a noxious weed found growing
42 in each county shall determine the classification of a noxious weed. The
43 classification categories are as follows:

- 1 (a) Foreign weed category;
2 (b) containment category; or
3 (c) management category:

- 4 (1) Primary management subcategory; or
5 (2) secondary management subcategory.

6 New Sec. 6. The secretary is authorized to:

7 (a) Adopt official methods for the management of noxious weeds and
8 to publish such methods;

9 (b) adopt rules and regulations as in the judgment of the secretary
10 are necessary to carry out the provisions of this act, and to alter or suspend
11 such rules and regulations when necessary; and

12 (c) enter into agreements and to cooperate with other governmental
13 entities, including the federal government, to administer this act.

14 New Sec. 7. (a) The board of county commissioners of each county
15 shall, and the governing body of any city may, employ a weed director.

16 (b) The board of county commissioners of each county and the gov-
17 erning body of any city that employs a weed director shall:

18 (1) Prepare an annual report. The annual report shall be in the form
19 and contain the information required by the secretary in rules and reg-
20 ulations. The annual report shall be submitted to the secretary by Feb-
21 ruary 15 and cover the preceding calendar year. The annual report shall
22 include the weed director's certification of the following:

23 (A) For each financial incentive paid, an authorized control method
24 was applied on all land identified in the annual report as being infested
25 with noxious weeds in the containment category and primary manage-
26 ment subcategory; or

27 (B) for each financial incentive paid, an authorized control method
28 was applied on land identified in the annual report as being infested with
29 noxious weeds in the secondary management subcategory. Certification
30 under this paragraph may include a scientifically representative sample
31 of the land infested with noxious weeds in the secondary management
32 subcategory for which a financial incentive was provided and is not re-
33 quired to be a certification for all land in such subcategory.

34 (2) Cooperate with the secretary in implementing the provisions of
35 this act.

36 (3) Prepare a weed management plan. The weed management plan
37 shall contain the activities to be conducted during the upcoming calendar
38 year to detect, monitor and control any noxious weed found growing in
39 the jurisdiction. The weed management plan shall be submitted to the
40 secretary by June 1 of each year.

41 (4) Establish a procedure to provide a financial incentive to a re-
42 sponsible party for the control and management of noxious weeds on a
43 substantiated and measurable basis. In no event shall a governmental

1 entity or government employee obtain a financial incentive to control
2 noxious weeds on government land.

3 (5) Provide a financial incentive for the control and management of
4 noxious weeds on a substantiated and measurable basis to a responsible
5 party who pays to control and manage weeds in accordance with this act
6 on private property in the containment category or the primary manage-
7 ment category.

8 (6) Specify practices contained in the official control plan for each
9 noxious weed present in the county or city for which a financial incentive
10 shall be provided and identify what financial incentives, if any, the gov-
11 ernmental entity shall provide for each control practice identified and
12 what substantiated and measurable basis such financial incentive is
13 provided.

14 (7) Provide a grievance system, established in the rules and regula-
15 tions of the secretary, allowing landowners or members of the public to
16 complain about noxious weeds growing on another's land.

17 (8) Be subject to review and audit by the secretary, and shall make
18 all its books and records pertaining to this act available for inspection
19 upon request of the secretary.

20 (9) Ascertain the approximate acreage infested with each kind of nox-
21 ious weed in the governmental entity's jurisdiction. This information shall
22 be reported by June 1 of each year to the county, and any city or township
23 within the county's boundaries.

24 (c) The board of county commissioners of each county and the gov-
25 erning body of any city that employs a weed director, in cooperation with
26 the weed director may:

27 (1) Provide a financial incentive on a substantiated and measurable
28 basis to a responsible party who pays to control and manage weeds in
29 accordance with this act on private property in the secondary manage-
30 ment subcategory.

31 (2) Offer for sale any product or material identified in the official
32 control plan. The price for products or materials offered for sale shall be
33 determined by the following formula: Price of product or material paid
34 by the county or city plus any storage or handling amount minus the
35 financial incentive.

36 New Sec. 8. (a) At least annually, the board of county commissioners
37 of each county and the governing body of any city that employs a weed
38 director shall give the public general notice in the official county or city
39 newspaper of all noxious weeds identified by the weed director as growing
40 in the geographic area for which the weed director is responsible. The
41 notice to the general public shall follow the requirements adopted by
42 rules and regulations of the secretary.

43 (b) The board of county commissioners of each county and the gov-

1 erning body of any city that employs a weed director, in cooperation with
2 the weed director, shall attempt to develop, or cause to be developed, an
3 individual noxious weed management plan with a responsible party for
4 land infested with noxious weeds in the containment category or primary
5 management category. An individual weed management plan shall: (1)
6 Follow the official control methods for the noxious weed identified on
7 the land; and (2) specify the time within which the responsible party shall
8 complete treatment pursuant to an official control method. If a respon-
9 sible party fails to comply with the provisions of the individual weed man-
10 agement plan or refuses to enter into an individual weed management
11 plan, the weed director shall issue a notice as described in subsection (c).

12 (c) The board of county commissioners of each county and the gov-
13 erning body of any city that employs a weed director shall give notice by
14 certified mail to a responsible party who fails to comply with the provi-
15 sions of subsection (b). The notice required by this subsection shall:

16 (1) Contain the procedures described in the official control methods
17 for the noxious weed identified on the land and a legal description of the
18 land where noxious weeds are growing.

19 (2) Specify the time within which the responsible party shall complete
20 treatment pursuant to an official control method. The time for completion
21 shall not be less than 10 working days after mailing of the notice.

22 (3) Include a statement that unless the responsible party completes
23 the required noxious weed control and management method within the
24 time specified in the notice, the weed director may enter or cause to be
25 entered upon the land as often as necessary to use any approved method
26 to control and manage the noxious weed identified in the notice.

27 New Sec. 9. In the event the weed director enters upon land to con-
28 trol noxious weeds, after service of notice pursuant to section 8, and
29 amendments thereto, the weed director shall notify or cause to be noti-
30 fied, by certified mail, a responsible party that such party shall pay for
31 the weed management control performed upon the default of the re-
32 sponsible party in section 8, and amendments thereto. The notice re-
33 quired by this section shall include an itemized statement of services and
34 the statement may include any penalty provided by K.S.A. 2-1323, and
35 amendments thereto. The board of county commissioners of each county
36 and the governing body of any city that employs a weed director shall
37 provide notice and an opportunity for a responsible party aggrieved by a
38 statement of services or penalties to be heard. Any notice and hearing
39 shall be conducted in accordance with rules and regulations adopted by
40 the secretary.

41 New Sec. 10. (a) It shall be the duty of all persons to minimize the
42 presence of noxious weeds or noxious weed seed in agricultural com-
43 modities, products or equipment. If a county weed director suspects that

1 a commodity, product or equipment is infested with noxious weeds or
2 may contain noxious weed seed, the county weed director shall report the
3 director's suspicions in a timely manner to the secretary.

4 (b) Any hay obtained by any governmental entity for use as mulch on
5 public lands or along a public right-of-way shall be certified prior to such
6 use as being free of noxious weeds. Certification shall be in the form
7 required by the secretary, and filed with the weed director in the county
8 where the hay is to be used.

9 Sec. 11. K.S.A. 2000 Supp. 2-1314 is hereby amended to read as
10 follows: 2-1314. It shall be the duty of ~~persons, associations of persons,~~
11 ~~the secretary of transportation, the boards of county commissioners, the~~
12 ~~township boards, school boards, drainage boards, the governing body of~~
13 ~~incorporated cities, railroad companies and other transportation compa-~~
14 ~~nies or corporations or their authorized agents and those supervising~~
15 ~~state owned lands~~ a responsible party to control and manage the spread
16 of and to eradicate all weeds declared by legislative action to be noxious
17 on all lands owned, managed, controlled or supervised by them and to
18 use such methods for that purpose and at such times as are approved and
19 adopted by the department of agriculture secretary. The term noxious
20 weeds shall mean kudzu (*Pueraria lobata*), field bindweed (*Convolvulus*
21 *arvensis*), Russian knapweed (*Centaurea repens*), hoary cress (*Cardaria*
22 *draba*), Canada thistle (*Cirsium arvense*), quackgrass (*Agropyron repens*),
23 leafy spurge (*Euphorbia esula*), bur ragweed (*Ambrosia grayii*), pignut
24 (*Hoffmannseggia densiflora*), musk (nodding) thistle (*Carduus nutans L.*),
25 Johnson grass (*Sorghum halepense*) and sericea lespedeza (*Lespedeza*
26 *cuneata*).

27 Sec. 12. K.S.A. 2000 Supp. 2-1318 is hereby amended to read as
28 follows: 2-1318. ~~The county weed supervisor of each county is hereby~~
29 ~~directed and it shall be the duty of the county weed supervisor to ascertain~~
30 ~~each year the approximate amount of land and highways infested with~~
31 ~~each kind of noxious weeds and its location in the county, and transmit~~
32 ~~such information tabulated by cities and townships not later than June 1~~
33 ~~of each year, to the secretary of the state board of agriculture, board of~~
34 ~~county commissioners, and to the governing body of each city and town-~~
35 ~~ship in the district pertaining to such noxious weed infestation in their~~
36 ~~respective jurisdiction. On the basis of such information the annual report~~
37 ~~or weed management plan, the tax levying body of each county, township~~
38 ~~or incorporated city shall make a tax levy each year for the purpose of~~
39 ~~paying their part of the cost of control and eradication thereof as provided~~
40 ~~in to implement this act and, in the case of cities and counties, to pay a~~
41 ~~portion of the principal and interest on bonds issued under the authority~~
42 ~~of K.S.A. 12-1774, and amendments thereto, by cities located in the~~
43 ~~county. Each county, city, and township, separately, shall make a levy~~

1 each year for such purpose. Any *city governmental unit* may budget ex-
2 penditures for weed control within its general operating fund in lieu of
3 levying a special tax therefor or maintaining a separate noxious weed
4 eradication fund. ~~Moneys collected from such levy, except for an amount~~
5 ~~to pay a portion of the principal and interest on bonds issued under the~~
6 ~~authority of K.S.A. 12-1774, and amendments thereto, by cities located~~
7 ~~in the county, shall be set apart as a noxious weed eradication fund and~~
8 ~~warrants~~ *Warrants* duly verified by the county or city supervisor if such
9 ~~be weed director, if such weed director is employed or if no supervisor~~
10 ~~be weed director is employed, then by county, township or city clerk, as~~
11 the case may be, may be drawn ~~against this fund~~ for all items of expense
12 incident to control ~~of~~ *and manage* noxious weeds in such district respec-
13 tively. ~~Any moneys remaining in the noxious weed eradication fund at the~~
14 ~~end of any year for which a levy is made under this section may be trans-~~
15 ~~ferred to the noxious weed capital outlay fund for making of capital ex-~~
16 ~~penditures incident to the control of noxious weeds~~ *governmental unit.*

17 Sec. 13. K.S.A. 2000 Supp. 2-1319 is hereby amended to read as
18 follows: 2-1319. (a) The cost of controlling and eradicating *managing* nox-
19 ious weeds on all lands or highways owned or supervised by a state agency,
20 department or commission shall be paid by the state agency, department
21 or commission supervising such lands or highways from funds appropri-
22 ated to its use; on county lands and county roads, on township lands and
23 township roads, on city lands, streets and alleys by the county, township
24 or city in which such lands, roads, streets and alleys are located, and from
25 funds made available for that purpose; on drainage districts, irrigation
26 districts, cemetery associations and other political subdivisions of the
27 state, the costs shall be paid from their respective funds made available
28 for the purpose. *government land shall be borne by the governmental unit*
29 *responsible for noxious weed control and management within such unit's*
30 *jurisdiction.* If the governing body of any political subdivision owning or
31 supervising *governmental unit that owns or supervises* lands infested with
32 noxious weeds ~~within their jurisdiction~~ fails to control such noxious weeds
33 after ~~15~~ *10* days' notice directing any such body to do so, the board of
34 county commissioners shall proceed to have proper control and eradic-
35 ation *management* methods used upon such lands, and shall notify the
36 governing body of the political subdivision *governmental unit* by certified
37 mail of the costs of such operations, with a demand for payment. The
38 governing body of the political subdivision *governmental unit* shall pay
39 such costs ~~from its noxious weed fund, or if no such fund is available,~~
40 ~~from its general fund or from any other funds available for such purpose.~~
41 *Copy* A copy of the statement, together with proof of notification, shall
42 at the same time be filed with the county clerk, and if the amount is not
43 paid within 30 days, such clerk shall spread the amount *due by any po-*

1 *litical subdivision* upon the tax roll of the subdivision, and such amount
2 shall become a lien against the entire territory located within the partic-
3 ular political subdivision, and shall be collected as other taxes are
4 collected.

5 (b) All moneys collected pursuant to this section shall be ~~paid into~~
6 ~~the county allocated for noxious weed eradication fund control and man-~~
7 ~~agement.~~

8 (c) As used in this section *as it pertains to the levy of taxes*, “governing
9 body” means the board, body, or persons in which the powers of a political
10 subdivision as a body corporate are vested; and “political subdivision”
11 means any agency or unit of the state authorized to levy taxes or empow-
12 ered to cause taxes to be levied.

13 ~~(d) On all other lands the owner thereof shall pay the cost of control~~
14 ~~and eradication of noxious weeds. Except as provided in K.S.A. 2-1333~~
15 ~~and amendments thereto, chemical materials for use on privately owned~~
16 ~~lands may be purchased from the board of county commissioners at a~~
17 ~~price fixed by the board of county commissioners which shall be in an~~
18 ~~amount equal to not less than 50% nor more than 75% of the total cost~~
19 ~~incurred by the county in purchasing, storing and handling such chemical~~
20 ~~materials. However, once the tax levying body of a county, city or town-~~
21 ~~ship has authorized a tax levy of 1.5 mills or more, the board of county~~
22 ~~commissioners may collect from the owner of privately owned lands an~~
23 ~~amount equal to 75% but not more than 100% of the total cost incurred~~
24 ~~by the county in purchasing, storing and handling of chemical materials~~
25 ~~used in the control and eradication of noxious weeds on such privately~~
26 ~~owned lands. Whenever official methods of eradication, adopted by the~~
27 ~~state board of agriculture, are not followed in applying the chemical ma-~~
28 ~~terials so purchased, the board of county commissioners may collect the~~
29 ~~remaining portion of the total cost thereof.~~

30 Sec. 14. K.S.A. 2000 Supp. 2-1320 is hereby amended to read as
31 follows: 2-1320. ~~In case the county weed supervisor or city weed super-~~
32 ~~visor~~ *When a weed director enters upon land or and furnishes weed con-*
33 *trol materials pursuant to a contract or an agreement with an owner,*
34 *operator or supervising agent of noxious weed infested land for the con-*
35 *trol of such noxious weeds and, as a result of such weed control methods,*
36 *there are any unpaid accounts outstanding by December 31 of each year,*
37 *and management by contract, pursuant to an individual weed manage-*
38 *ment plan, or upon refusal of a responsible party to control weeds,* the
39 county commissioners or governing body of ~~the~~ *a city that employs a weed*
40 *director* shall immediately notify or cause to be notified, such ~~owner~~ *re-*
41 *sponsible party* with an itemized statement as to the cost of material,
42 labor and use of equipment and further ~~stating~~ *state* that if the amount
43 of such statement is not paid to the county or city treasurer wherein such

1 real estate is located within 30 days from the date of such notice, a penalty
2 charge of 10% of the amount remaining unpaid shall be added to the
3 account *in addition to any other penalty assessed pursuant to K.S.A. 2-*
4 *1323, and amendments thereto*, and the total amount thereof shall be-
5 come a lien upon such real estate. The unpaid balance of such account
6 and such penalty charge shall draw interest from the date of entering into
7 such contract *or upon accrual of the costs to provide weed control and*
8 *management either through an individual weed management plan or upon*
9 *the refusal of a responsible party to control weeds* at the rate prescribed
10 for delinquent taxes pursuant to K.S.A. 79-2004, and amendments
11 thereto. A copy of the statement, together with proof of notification, shall
12 at the same time be filed with the register of deeds in such county and
13 the county or city clerk, as the case may be, and if such amount is not
14 paid within the next 30 days the county or city clerk, as the case may be,
15 shall spread the amount of such statement upon the tax roll prepared by
16 the clerk and such amount shall become a lien against the entire contigu-
17 uous tract of land owned by such person or persons of which the portion
18 so treated is all or a part, and shall be collected as other taxes are collected,
19 and all moneys so collected shall be ~~paid into the~~ *allocated for noxious*
20 *weed eradication fund, except that not more than 5% of the assessed*
21 *valuation of the entire contiguous tract of land of which the portion so*
22 *treated is all or a part shall be spread on the tax rolls against such land in*
23 *any one year control and management.* If any land subject to a lien im-
24 posed under this section is sold or transferred, the entire remaining un-
25 paid balance of such account plus any accrued interest and penalties shall
26 become due and payable prior to the sale or transfer of ownership of the
27 property, ~~and upon collection shall be paid to the noxious weed eradi-~~
28 ~~cation fund.~~

29 Sec. 15. K.S.A. 2-1321 is hereby amended to read as follows: 2-1321.
30 If any ~~person shall be~~ *responsible party is* dissatisfied with the charge
31 made ~~for material or rent of equipment used in in the statement of charges~~
32 *assessed against them for the control and eradication management of nox-*
33 *ious weeds, said person shall the responsible party,* within ~~ten~~ *10* days
34 from the mailing of the ~~account showing such charge, statement, shall file~~
35 a protest with the board of county commissioners, who shall hold a hear-
36 ing thereon and shall have the power to either adjust or affirm such
37 charge. If any ~~person shall be~~ *responsible party is* dissatisfied with the
38 decision rendered by the board of county commissioners ~~said person shall~~
39 *the responsible party,* within ~~thirty~~ *30* days, *shall file a written notice of*
40 appeal with the clerk of the district court of the county ~~and thereupon~~
41 ~~an action shall be docketed in the district court and be tried the same as~~
42 ~~other actions as provided by the Kansas act for judicial review.~~ Upon the
43 final determination of any change in the account, if any, the county or

1 city clerk shall correct the records in ~~his or her~~ *the clerk's* office in ac-
2 cordance therewith.

3 Sec. 16. K.S.A. 2000 Supp. 2-1322 is hereby amended to read as
4 follows: 2-1322. (a) ~~The board of county commissioners, or the governing~~
5 ~~body of incorporated cities, cooperating with the secretary of the state~~
6 ~~board of agriculture, shall purchase or provide for needed and necessary~~
7 ~~equipment and necessary chemical material for the control and eradica-~~
8 ~~tion of noxious weeds. The board of county commissioners of any county~~
9 ~~or the governing body of any city may use any equipment or materials~~
10 ~~purchased as provided for in this section, upon the highways, streets and~~
11 ~~alleys, for the treatment and eradication *on public land for the control*~~
12 ~~*and management* of weeds which have not been declared noxious by leg-~~
13 ~~islative action.~~

14 ~~(b) Except as provided in K.S.A. 2-1333 and amendments thereto,~~
15 ~~the board of county commissioners shall sell chemical material to the~~
16 ~~landowners in their jurisdiction at a price fixed by the board of county~~
17 ~~commissioners which shall be in an amount equal to not less than 50%~~
18 ~~nor more than 75% of the total cost incurred by the county in purchasing,~~
19 ~~storing and handling such chemical materials used in the control and~~
20 ~~eradication of noxious weeds, and may make such charge for the use of~~
21 ~~machines or other equipment and operators as may be deemed by them~~
22 ~~sufficient to cover the actual cost of operation. However, once the tax~~
23 ~~levying body of a county, city or township has authorized a tax levy of 1.5~~
24 ~~mills or more, the board of county commissioners may collect from the~~
25 ~~landowners in their jurisdiction an amount equal to 75% but not more~~
26 ~~than 100% of the total cost incurred by the county in purchasing, storing~~
27 ~~and handling of chemical materials used in the control and eradication of~~
28 ~~noxious weeds.~~

29 ~~(c) Whenever official methods of eradication adopted by the state~~
30 ~~board of agriculture are not used in applying the chemical material pur-~~
31 ~~chased, the board of county commissioners may collect the remaining~~
32 ~~portion of the total cost thereof from the landowner.~~

33 ~~(b) If a responsible party fails to use a control method other than an~~
34 ~~official method adopted by the secretary, the board of county commis-~~
35 ~~sioners and the governing body of any city that employs a weed director~~
36 ~~may collect from the responsible party the full amount of the costs in-~~
37 ~~curring by the city or county to control and manage the noxious weeds.~~

38 ~~(d) (c) The board of county commissioners, township boards, and the~~
39 ~~governing body of cities any city that employs a weed director shall: (1)~~
40 ~~Keep a record showing purchases of material and equipment for control~~
41 ~~and eradication *management* of noxious weeds. The board of county com-~~
42 ~~missioners and the governing body of cities shall also; (2) keep a complete~~
43 ~~itemized record showing *all sales for cash or charge sales* of material and~~

1 ~~shall~~; and maintain a record of charges and receipts for use of equipment
2 owned by each county or city on public and private land. Such records
3 shall be open to inspection by citizens of Kansas at all times.

4 Sec. 17. K.S.A. 2000 Supp. 2-1323 is hereby amended to read as
5 follows: 2-1323. (a) Any person, association of persons, corporation,
6 county or city or other official who ~~shall violate or fail to comply with any~~
7 ~~of the provisions of this act and acts amendatory thereof or supplemental~~
8 ~~thereto~~ violates or fails to comply with the control and management
9 requirements for noxious weeds in the containment category, primary
10 management subcategory or secondary management subcategory, or who
11 takes a financial incentive to control noxious weed without controlling
12 noxious weeds shall be guilty of a misdemeanor and shall be punished. A
13 misdemeanor under this subsection shall be punishable upon conviction
14 thereof by a fine of \$100 per day for each day of noncompliance up to a
15 maximum fine of \$1,500.

16 (b) Any weed director may assess a civil penalty against any person,
17 association of persons, corporation, county or city official or other official
18 who violates or fails to comply with the requirements of the containment
19 category, primary management category or secondary management cat-
20 egory, or who takes a financial incentive to control noxious weeds without
21 controlling noxious weeds within such person's or entity's jurisdiction.
22 Any assessment of a civil penalty shall follow the fine schedule and appeal
23 procedure established by rules and regulations of the secretary. A civil
24 penalty under the subsection may be assessed in addition to any other
25 penalty or costs allowed by this act. In no event shall a civil penalty
26 assessed under this subsection be less than the amounts cited in subsection
27 (a).

28 (c) The secretary may assess a civil penalty against any person, as-
29 sociation of persons, corporation, county or city official or other official
30 who violates or fails to comply with the requirements of section 7, and
31 amendments thereto, the notice or planning requirements of section 8,
32 and amendments thereto, the hearing requirements of section 9, and
33 amendments thereto, the requirements of subsection (b) of section 10, and
34 amendments thereto, and the requirements of K.S.A. 2-1318, and amend-
35 ments thereto. Such assessment shall be made in accordance with the
36 Kansas administrative procedure act.

37 Sec. 18. K.S.A. 19-211 is hereby amended to read as follows: 19-211.
38 (a) Except for any property belonging to a county law enforcement de-
39 partment and as otherwise provided in this section, no property, the value
40 of which is more than \$50,000, belonging to any county shall be sold or
41 disposed of by any board of county commissioners without a unanimous
42 vote of such commissioners and public notice of such sale or disposition.
43 Such notice shall state the time or date of the sale or disposition or the

1 date after which the property will be offered for sale or disposal, the place
2 of the sale or disposition and the terms and conditions of the sale or
3 disposition. Such notice shall be published at least once each week for
4 three consecutive weeks prior to the sale or disposition in the official
5 newspaper of the county. The property shall be sold or disposed of pub-
6 licly, in the manner deemed prudent by the board of county commis-
7 sioners, to the person or entity tendering the highest and best bid as
8 determined by the board. The board of county commissioners shall have
9 the right to reject any or all bids.

10 If, within 45 days after the first publication of the notice of sale or
11 disposition a petition signed by not less than 2% of the qualified electors
12 of the county is filed with the county election officer, such property shall
13 not be sold or disposed of unless the proposition of sale or disposal of
14 such property is submitted to a vote of the electors of the county at a
15 question submitted election called therefor. The election shall be called,
16 noticed and held in the manner provided by K.S.A. 10-120, and amend-
17 ments thereto, or at a general election. If a majority of the votes cast at
18 any such election authorizes any sale or disposition, such sale or dispo-
19 sition shall be made upon the notice hereinbefore prescribed by publi-
20 cation, to the person or entity tendering the highest and best bid, as
21 determined by the board. The board of county commissioners shall have
22 the right to reject any or all bids.

23 (b) If the board of county commissioners rejects all bids or if no bids
24 are received, the board may proceed to sell or dispose of the property
25 publicly, in the manner deemed prudent by the board, to the person or
26 entity tendering the highest and best bid or offer as determined by the
27 board. If the notice of sale or disposition has been previously published
28 in the manner set forth in subsection (a), no further notice of sale shall
29 be published before the property is sold or disposed of pursuant to this
30 subsection. When property of the county is sold or disposed of pursuant
31 to this subsection, the board shall cause to be published as a part of the
32 statement required by K.S.A. 19-227, and amendments thereto, a detailed
33 account of such sale or disposition which shall list such property, the
34 person who acquired the property and the purchase price.

35 (c) If the value of the property does not exceed \$1,000, such notice
36 by publication shall not be required prior to the sale or disposition of such
37 property. When property of the county having a value of more than \$50
38 but not more than \$1,000 is sold or disposed of, the board of county
39 commissioners shall cause to be published as a part of the statement
40 required by K.S.A. 19-227, and amendments thereto, a detailed account
41 of such sale or disposition which shall list such property, the person who
42 acquired the property and the purchase price.

43 (d) Upon a finding by the board that any property is no longer re-

1 quired, or cannot prudently be used for public purposes of the county,
2 the board, by a unanimous vote, may sell or dispose of such property, the
3 value of which does not exceed \$50,000, by public or private sale or by
4 negotiation, as determined by the board. Notice of the board's intent to
5 sell or dispose of such property shall be published at least two times in
6 the official county newspaper. Such notice shall include the time, place
7 and conditions of such sale or disposition.

8 (e) The board, by unanimous vote, may sell or dispose of any real
9 property interest belonging to the county, including any interest derived
10 through dedication, plat, condemnation, reversion, abandonment, reser-
11 vation or tax foreclosure, which the board determines, after notice and
12 public hearing, to be surplus property not required for public use, and to
13 be unmarketable property. Such property interest may be sold or dis-
14 posed of by the county by the adoption of a resolution providing that the
15 interest of the county shall be vacated and transferring by quitclaim, with-
16 out benefit of warranties of title, whatever right, title or interest the
17 county has or may have in the property. The resolution shall provide for
18 the reservation to the county and the owners of any lesser property rights
19 for public utilities, the rights-of-way and easements for public service
20 facilities which are in existence and in use across the property. Upon
21 adoption of the resolution, the property interests vacated and conveyed
22 shall revert to and vest in the owners of the real estate immediately abut-
23 ting thereon, in proportion to the frontage of such land, except in cases
24 where such land may have been acquired for public use in a different
25 proportion, in which event it shall revert and vest in the owner of the
26 adjoining real estate in the same proportion that it was acquired.

27 Following the adoption of the resolution, the county clerk shall record
28 the conveyance upon the transfer records of the county and shall cause
29 a notice of the transfer to be published at least two times in the official
30 county newspaper and to be sent by certified mail to each owner of the
31 adjoining real estate to whom the property is being transferred, at the
32 address where the owner's tax statement is sent. A copy of the transfer
33 and the notice shall be recorded with the register of deeds of the county,
34 and no fee shall be charged by the county clerk or the register of deeds
35 recording the transfer.

36 (f) In the event of any sale or disposition of real property pursuant
37 to the authority under this section, the board, in its discretion, may enter
38 into and execute contracts for sale or lease-purchase agreements for a
39 term of not more than five years.

40 (g) The provisions of this section shall not apply to or restrict the
41 conveyance of real property by any county to the state of Kansas, the title
42 to which was previously conveyed to such county by the state of Kansas.

43 (h) The provisions of this section shall not apply to or restrict the

1 conveyance of real property by any county to a nonprofit corporation
2 organized under the laws of Kansas if such real property is acquired and
3 conveyed by the county for the purpose of development of an industrial
4 or business park on such real property comprised of businesses engaged
5 in: (1) Manufacturing articles of commerce; (2) conducting research and
6 development; or (3) storing or processing goods or commodities. If the
7 real property is to be conveyed for an amount which is less than the
8 amount the county paid to acquire such property, the board of county
9 commissioners shall publish a notice of its intent to convey such property.
10 The notice shall include a description of the property, the cost of acquir-
11 ing the property and the amount for which such property is to be con-
12 veyed. Such notice shall be published once each week for three consec-
13 utive weeks in the official county newspaper. If, within 45 days after the
14 first publication of such notice a petition signed by not less than 2% of
15 the qualified electors of the county is filed with the county election officer,
16 such property shall not be conveyed unless the proposition of sale or
17 disposal of such property is submitted to and approved by a majority of
18 the qualified voters of the county at an election called therefor. The elec-
19 tion shall be called, noticed and held in the manner provided by K.S.A.
20 10-120, and amendments thereto, or at a general election.

21 (i) The provisions of this section shall not apply to or restrict the
22 conveyance of real property by any county to a port authority if such real
23 property is acquired and conveyed by the county for the purpose of de-
24 velopment of an industrial, commercial or business park on such real
25 property. The board of county commissioners shall publish a notice of its
26 intent to convey such property. The notice shall include a description of
27 the property, the cost of acquiring the property and the amount for which
28 the property is to be conveyed. Such notice also shall include the time
29 and date of the public hearing at which the board proposes to consider
30 the conveyance of such property. Such notice shall be published at least
31 once in the official county newspaper. Following the public hearing, the
32 board of county commissioners may convey such property.

33 (j) Whenever it is required by this section that the board of county
34 commissioners approve a sale or disposition of property by unanimous
35 vote and a county has a five-member board, such board may approve a
36 sale or disposition of property by a $\frac{4}{5}$ majority.

37 (k) The provisions of this section shall not apply to the conveyance
38 of property pursuant to ~~K.S.A. 2-1319~~ *subsection (c)(2) of section 7*, and
39 amendments thereto.

40 New Sec. 19. If any provision of this act or the application thereof
41 to any person or circumstance is held invalid, the invalidity shall not affect
42 other provisions or applications of the act which can be given effect with-
43 out the invalid provision or application, and to this end the provisions of

1 this act are severable.

2 Sec. 20. K.S.A. 2-1315, 2-1316a, 2-1317, 2-1321, 2-1324, 2-1325, 2-
3 1326, 2-1327, 2-1328, 2-1329, 2-1330 and 19-211 and K.S.A. 2000 Supp.
4 2-1314, 2-1316, 2-1318, 2-1319, 2-1320, 2-1322, 2-1323, 2-1331 and 2-
5 1332 are hereby repealed.

6 Sec. 21. This act shall take effect and be in force from and after
7 January 1, 2002, and its publication in the statute book.

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