

## Substitute for HOUSE BILL No. 2468

By Committee on Agriculture

3-20

---

AN ACT concerning agriculture; relating to noxious weeds; county discount program; amending K.S.A. 2-1333 and repealing the existing section.

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

Section 1. K.S.A. 2-1333 is hereby amended to read as follows: 2-1333. (a) The board of county commissioners ~~may adopt a resolution to~~ shall authorize the establishment of a program to provide chemical materials used in the control and eradication of noxious weeds to landowners through chemical dealers on a discount basis.

(b) ~~If such program is authorized,~~ *Except as provided in subsection (d),* the county weed supervisor shall issue discount certificates, prior to the chemicals being purchased from the chemical dealers, to the landowners. Such certificate shall be taken to a chemical dealer and be presented for the purchase of the chemical material. The chemical dealer shall issue an invoice showing the credit amount of the discount certificate. The dealer shall send the certificate and a copy of the invoice to the county weed supervisor. The certificates and invoices shall be turned over to the board of county commissioners, and no more than the stated amount on the certificate shall be reimbursed to the chemical dealers. The discount certificates shall be paid from the noxious weed fund.

(c) ~~If such program is authorized,~~ *Except as provided in subsection (d),* on January 1 of each year, the board of county commissioners shall determine the amount of money that may be used from the noxious weed fund to provide for the control and eradication of noxious weeds on privately owned land. The board shall state the dollar amount the county shall pay per unit for the purchase of chemical materials used on privately owned lands. Whenever official methods of eradication, adopted by the state board of agriculture, are not followed in applying the chemical materials, the board of county commissioners may refuse to pay the discount certificate and the total cost shall be paid by the private landowner.

(d) *A board of county commissioners may adopt a resolution to eliminate the program to provide chemical materials used in the control and eradication of noxious weeds to landowners through chemical dealers on a discount basis as provided in this section.*

1     (e) (1) *If a board of county commissioners adopts a resolution to elim-*  
2 *inate the program as provided in subsection (d), a petition to submit a*  
3 *proposition calling for an election to reinstate the program to provide*  
4 *chemical materials used in the control and eradication of noxious weeds*  
5 *to landowners through chemical dealers on a discount basis may be filed*  
6 *with the county election officer. Such petition shall be signed by qualified*  
7 *voters of the county equal in number to not less than 5% of the voters of*  
8 *the county who voted for the office of secretary of state at the last pre-*  
9 *ceding general election at which such officer was elected.*

10     (2) *Upon the submission of a valid petition calling for an election*  
11 *pursuant to this subsection, the county election officer shall submit the*  
12 *question of whether the program as provided in this section shall be re-*  
13 *instated in such county at the next state or county-wide regular or special*  
14 *election which occurs more than 60 days after the petition is filed with*  
15 *the county election officer.*

16     (3) *If a majority of the votes cast and counted are in opposition to*  
17 *reinstating the program as provided in this section in such county, the*  
18 *county election officer shall transmit a copy of the result to the secretary*  
19 *of state who shall publish in the Kansas register the result of such election*  
20 *and the program as provided in this section shall not be reinstated in such*  
21 *county.*

22     (4) *If a majority of the votes cast and counted are in favor of the*  
23 *proposition, the county election officer shall transmit a copy of the results*  
24 *to the secretary of state who shall publish in the Kansas register the result*  
25 *of such election and that the program as provided in this section shall be*  
26 *reinstated in such county.*

27     (5) *The election provided for by this section shall be conducted, and*  
28 *the votes counted and canvassed, in the manner provided by law for*  
29 *question submitted elections of the county, except that the county election*  
30 *officer shall publish in the official county newspaper a notice of such*  
31 *election once each week for two consecutive weeks, the first publication*  
32 *to be not less than 21 days before the election, and such notice shall state*  
33 *the date and time of the election and the proposition that will appear on*  
34 *the ballot.*

35     Sec. 2. K.S.A. 2-1333 is hereby repealed.

36     Sec. 3. This act shall take effect and be in force from and after its  
37 publication in the statute book.

38  
39  
40  
41  
42  
43