

As Amended by House Committee

HOUSE BILL No. 2479

By Committee on Agriculture and Natural Resources

1-19

1 AN ACT concerning agriculture; relating to noxious weeds; amending
2 K.S.A. 2-1314b, 2-1320, 2-1323, 2-1330 and 2-1332 and K.S.A. 2015
3 Supp. 2-1314, 2-1315, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322 and 2-
4 1331 and repealing the existing sections; also repealing K.S.A. 2-
5 1316a, 2-1325, 2-1326, 2-1328 and 2-1329 and K.S.A. 2015 Supp. 2-
6 1327 and 2-1334.
7

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

9 New Section 1. (a) The provisions of article 13 of chapter 2 of the
10 Kansas Statutes Annotated, and amendments thereto, and sections 1
11 through 5, and amendments thereto, shall be known and may be cited as
12 the noxious weed act.

13 (b) For the purposes of this act:

14 (1) "Act" means the noxious weed act;

15 (2) "article" means any material or tangible object that could harbor,
16 carry or is capable of disseminating noxious weeds;

17 (3) "certified weed free" means any unprocessed plant product that
18 has been inspected by authorized state or county officials and found to be
19 free of the reproductive parts of noxious and invasive weeds according to
20 standards set forth by the North American invasive species management
21 association;

22 (4) "control" means the removal or destruction of the reproductive
23 parts of any noxious weeds before such weeds propagate and spread or
24 whenever required by the secretary or the county weed supervisor;

25 (5) "governing body" means the board, body or persons in which the
26 powers of a political subdivision as a body corporate are vested;

27 (6) "governmental agency" means the state or any agency or political
28 subdivision thereof or the government of the United States or any agency
29 or instrumentality thereof;

30 (7) "noxious weed" means any species of plant that the secretary shall
31 determine to be a noxious weed in rules and regulations adopted and
32 promulgated by the secretary;

33 (8) "noxious weed plant material" means any noxious weed plant or
34 plant part that is capable of reproducing sexually or asexually;

35 (9) "political subdivision" means any agency or unit of the state
36 authorized to levy taxes or empowered to cause taxes to be levied;

Proposed Amendments to HB 2479

Senate Committee on Natural Resources

Senator Hawk

Prepared by: Tamara Lawrence

Office of Revisor of Statutes

March 9, 2016

RE: Property Tax Lid

1 special tax therefor or maintaining a separate noxious weed eradication
2 fund. Moneys collected from such levy, except for an amount to pay a
3 portion of the principal and interest on bonds issued under the authority of
4 K.S.A. 12-1774, and amendments thereto, by cities located in the county,
5 shall be set apart as a noxious weed eradication fund and warrants duly
6 verified by the county weed supervisor, if such be employed, or city
7 supervisor, if such be employed, or if no supervisor be employed, then by
8 county, township or city clerk, as the case may be, may be drawn against
9 this fund for all items of expense incident to control of noxious weeds in
10 such district respectively. Any moneys remaining in the noxious weed
11 eradication fund at the end of any year for which a levy is made under this
12 section ~~may~~ shall either be transferred to the noxious weed capital outlay
13 fund for making of capital expenditures incident to the control of noxious
14 weeds or remain in the noxious weed eradication fund for use in the next
15 year.

16 (b) All records relating to funds received into and spent from both the
17 noxious weed eradication fund and the noxious weed capital outlay fund
18 shall be retained by the county for not fewer than five years and shall be
19 made available to the Kansas department of agriculture upon request.

20 (c) The secretary of agriculture shall collect information from
21 each county regarding county weed budgets and expenditures made
22 by each county associated with weed control, including labor,
23 equipment and chemical costs. The secretary shall report this
24 information to the legislature annually.

25 Sec. 12. K.S.A. 2015 Supp. 2-1319 is hereby amended to read as
26 follows: 2-1319. (a) The cost of controlling and eradicating noxious weeds
27 on all lands or highways owned or supervised by a state agency,
28 department or commission shall be paid by the state agency, department or
29 commission supervising such lands or highways from funds appropriated
30 to its use; on county lands and county roads, on township lands and
31 township roads, on city lands, streets and alleys by the county, township or
32 city in which such lands, roads, streets and alleys are located, and from
33 funds made available for that purpose; on drainage districts, irrigation
34 districts, cemetery associations and other political subdivisions of the state,
35 the costs shall be paid from their respective funds made available for the
36 purpose. If the governing body of any political subdivision owning or
37 supervising lands infested with noxious weeds within their jurisdiction
38 fails to control such noxious weeds after 15 days' notice directing any such
39 body to do so, the board of county commissioners shall proceed to have
40 proper control and eradication methods used upon such lands, and shall
41 notify the governing body of the political subdivision by certified mail of
42 the costs of such operations, with a demand for payment. The governing
43 body of the political subdivision shall pay such costs from its noxious

(d) On and after January 1, 2018, any tax levied pursuant to subsection (a) shall not be subject to the provisions of K.S.A. 79-2925b(g), and amendments thereto.

otherwise required by this section to adopt any appropriation or budget which provides for funding by property tax revenue in an amount exceeding that of the next preceding year as adjusted pursuant to subsection (a) to reflect changes in the consumer price index, shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the city or county voting at an election called and held thereon, except as otherwise provided. The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto, at the next regularly scheduled election to be held in August or November, or may be a mail ballot election, conducted in accordance with K.S.A. 25-431 et seq., and amendments thereto, or may be a special election called by the city or county. Nothing in this subsection shall prevent any city or county from holding more than one election in any year.

(2) A resolution by the governing body of a city or county otherwise required by the provisions of this section shall not be required to be approved by an election required by subsection (g)(1) under the following circumstances:

(A) The increase in the amount of ad valorem tax to be levied that is greater than the change in the consumer price index is due to:

(i) Costs for new infrastructure or improvements to existing infrastructure to support new improvements to property exempt from property taxation pursuant to the provisions of K.S.A. 79-201 et seq., and amendments thereto, such as hospitals, schools and churches, or exempt additions to or improvements to property so exempt from property taxation;

(ii) bond and interest payments;

(iii) an increase in property subject to taxation as the result of the expiration of any abatement of property from property tax;

(iv) increases in road construction costs when such construction has been once approved by a resolution of the governing body of the city or county;

(v) special assessments;

(vi) judgments levied against the city or county or expenses for legal counsel and for defense of legal actions against the city or county or officers of the city or county;

(vii) new expenditures that are specifically mandated by federal or state law; or

(viii) an increase in property subject to taxation as the result of new construction;

(B) the assessed valuation has declined in one or more of the next preceding three calendar years and the increase in the amount of funding for the budget or appropriation from revenue produced from property taxes does not exceed the average amount of funding from such revenue of the next preceding three calendar years, adjusted to reflect changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year; or

(C) the increase in the amount of ad valorem tax to be levied is less than the change in the consumer price index plus the loss of assessed property valuation that has occurred as the result of legislative action, judicial action or a ruling by the board of tax appeals.

History: L. 1999, ch. 154, § 21; L. 2014, ch. 37, § 1; L. 2015, ch. 4, § 76; L. 2015, ch. 99, § 5; L. 2015, ch.

(D) the increase in the amount of ad valorem tax to be levied is for the control or eradication of weeds pursuant to K.S.A. 2-1318, and amendments thereto.

79-2925b. Approval of budgets by taxing subdivisions; requirement of majority vote, when; publication; cities and counties, requiring elections to approve certain budget increases. (a) Without a majority vote so providing, the governing body of any municipality shall not approve any appropriation or budget, as the case requires, which may be funded by revenue produced from property taxes, and which provides for funding with such revenue in an amount exceeding that of the next preceding year, adjusted to reflect changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year. If the total tangible property valuation in any municipality increases from the next preceding year due to increases in the assessed valuation of existing tangible property and such increase exceeds changes in the consumer price index, the governing body shall lower the amount of ad valorem tax to be levied to the amount of ad valorem tax levied in the next preceding year, adjusted to reflect changes in the consumer price index. This subsection shall not apply to ad valorem taxes levied under K.S.A. 76-6b01 and 76-6b04 and K.S.A. 2015 Supp. 72-6470, and amendments thereto, and any other ad valorem tax levy which was previously approved by the voters of such municipality. Except as provided in subsection (g), notwithstanding the requirements of this subsection, nothing herein shall prohibit a municipality from increasing the amount of ad valorem tax to be levied if the municipality approves the increase with a majority vote of the governing body by the adoption of a resolution and publishes such vote as provided in subsection (c).

(b) Revenue that, in the current year, is produced and attributable to the taxation of:

(1) New improvements to real property;

(2) Increased personal property valuation, other than increased valuation of oil and gas leaseholds and mobile homes;

(3) property located within added jurisdictional territory; or

(4) property which has changed in use shall not be considered when determining whether revenue produced from property has increased from the next preceding year.

(c) In the event the governing body votes to approve any appropriation or budget, as the case requires, which may be funded by revenue produced from property taxes, and which provides for funding with such revenue in an amount exceeding that of the next preceding year as provided in subsection (a), notice of such vote shall be published in the official county newspaper of the county where such municipality is located.

(d) The provisions of this section shall be applicable to all fiscal and budget years commencing on and after the effective date of this act.

(e) The provisions of this section shall not apply to revenue received from property tax levied for the sole purpose of repayment of the principal of and interest upon bonded indebtedness, temporary notes and no-fund warrants.

(f) For purposes of this section, "municipality" means any political subdivision of the state which levies an ad valorem tax on property and includes, but is not limited to, any county, township, municipality, school district, community college, drainage district or other taxing district. "Municipality" shall not include any such political subdivision or taxing district which receives \$1,000 or less in revenue from property taxes in the current year.

(g) On and after January 1, 2018: (1) In the case of cities and counties, any resolution by the governing body