

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;

(5) "drift" means the movement of pesticide  
spray away from the land to which it was  
applied;

renumber paragraphs accordingly

Proposed Amendments to HB 2479  
Senate Committee on Natural Resources  
Senator McGinn  
Prepared by: Tamera Lawrence  
Office of Revisor of Statutes  
March 9, 2016  
RE: Drift

consumption on the same farm where grown or may be sold to commercial processors or commercial feed mixers. All common carriers shall thoroughly clean and destroy any noxious weed plant material or seeds in or on cars, trucks, vehicles or other receptacles used by them after each load was delivered to a consignee before again placing such car, truck, vehicle or receptacle into service; or

(d) to bring any harvesting or threshing machinery, portable feed grinders, portable seed cleaners, field ensilage cutters or other farm vehicles or machinery into the state or from any field or farm within the state that is infested with any noxious weed without first cleaning such equipment free from any noxious weed plant material or seeds.

(e) This section shall not apply to:

(1) Research sanctioned by a state or federal agency or an accredited university or college; or

(2) activities specifically permitted by the secretary.

New Sec. 5. Any and all alfalfa, grass, hay or other forage, straw or mulch carried onto or used for any purpose within the boundaries of any lands owned or managed by the state government and of its agencies must be certified noxious weed free.

Sec. 6. K.S.A. 2015 Supp. 2-1314 is hereby amended to read as follows: 2-1314. (a) *The secretary shall adopt rules and regulations to declare the weeds of the state that are noxious weeds. Once a weed has been declared to be a noxious weed, it shall be considered a noxious weed in every county of the state. The secretary shall not declare any species to be a noxious weed without the recommendation of the state advisory committee, except under an emergency declaration as provided in section 2, and amendments thereto.* It shall be the duty of persons, associations of persons, the secretary of transportation, the boards of county commissioners, the township boards, school boards, drainage boards, the governing body of incorporated cities, railroad companies and other transportation companies or corporations or their authorized agents and those supervising state-owned lands to control the spread of and to eradicate all weeds declared by legislative action to be noxious on all lands owned or supervised by them and to use such methods for that purpose and at such times as are approved and adopted by the Kansas department of agriculture. ~~The term noxious weeds shall mean~~

(b) *The following shall be considered noxious weeds:* Kudzū (Pueraria lobata), field bindweed (Convolvulus arvensis), Russian knapweed (Centaurea repens), hoary cress (Cardaria draba), Canada thistle (Cirsium arvense), quackgrass (Agropyron repens), leafy spurge (Euphorbia esula), bur ragweed (Ambrosia grayii), pignut (Hoffmannseggia densiflora), musk (noddling) thistle (Carduus nutans L.), Johnson grass (Sorghum halepense) and sericea lespedeza (Lespedeza

New Sec. 6. (a) Any landowner may post such land with signs stating that spraying pesticides on such land is prohibited.

(b) Any person who sprays pesticides on land that is posted prohibiting such spraying shall be subject to the penalties prescribed in K.S.A. 2-1323, and amendments thereto.

(c) Any person whose property is damaged due to drift of pesticides applied by the county shall have a cause of action against such county for damages.

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