

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

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Office of Revisor of Statutes

March 9, 2016

Technical Clean Up

(10) "secretary" means the secretary of agriculture or the secretary's designated representative; and

(11) "weed supervisor" means a person hired by a county, township or city and approved by the secretary to enforce the noxious weed act and to control and manage noxious weeds within the confines of the supervisor's jurisdiction.

New Sec. 2. (a) The secretary may make an emergency declaration of noxious weeds if:

(1) A new and potentially harmful noxious weed is discovered growing in the state and is verified by the secretary; or

(2) the state is facing a potential influx of noxious weeds as the result of a natural disaster.

(b) Once a weed has been declared noxious under this section, the secretary shall consider such weed as noxious as provided in K.S.A. 2-1314, and amendments thereto, and take every action and use any means available to control or eradicate such noxious weed species as authorized in this act.

(c) The secretary shall not make an emergency declaration for the same weed more than once without the recommendation of the state advisory committee.

(d) The declaration shall remain in effect for the earlier of 18 months or until action can be taken by the secretary to declare the species a noxious weed by rules and regulations.

(e) Within 90 days after the secretary makes an emergency declaration pursuant to this section, the secretary shall call a meeting of the state advisory committee to review and approve the emergency declaration. If the committee does not approve of such emergency declaration within such 90 days, the emergency declaration will no longer remain in effect.

New Sec. 3. (a) There is hereby created the state noxious weed advisory committee, referred to in this section as the state advisory committee. The state advisory committee shall consist of ~~14~~ 13 voting members and the secretary or a duly appointed representative of the secretary as a non-voting ex officio member. Representation on the state advisory committee shall reflect the different geographic areas of the state equally to the greatest extent possible. Such members shall receive no compensation for serving on such state advisory committee, but shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto, from moneys appropriated therefor to the Kansas department of agriculture. The ~~14~~ 13 voting members shall be appointed by the secretary as follows:

(1) One member shall represent a natural resource management professional from the Kansas department of wildlife, parks and tourism;