

2016

PROPOSED
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2479

By Committee on Natural Resources

AN ACT concerning agriculture; relating to noxious weeds; counties; state agencies; amending K.S.A. 2015 Supp. 2-1314 and 2-1319 and repealing the existing sections.

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

Section 1. K.S.A. 2015 Supp. 2-1314 is hereby amended to read as follows: 2-1314.

(a) 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 kudzu (*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 (nodding) thistle (*Carduus nutans* L.), Johnson grass (*Sorghum halepense*) and sericea lespedeza (*Lespedeza cuneata*).

(b) If the department of agriculture determines that noxious weeds are not being properly controlled in a county by the board of county commissioners, the department may request the board of county commissioners take action to control such noxious weeds. If, after such request, the board of county commissions does not take action to control such

noxious weeds in the county, the department may take necessary action to control such noxious weeds. The department may then request reimbursement for the cost of controlling such noxious weeds from the county. Upon such request, the county shall reimburse the department.

Sec. 2. K.S.A. 2015 Supp. 2-1319 is hereby amended to read as follows: 2-1319. (a) (1) The cost of controlling and eradicating noxious weeds on all lands or highways owned or supervised by a state agency, department or commission shall be paid by the state agency, department or commission supervising such lands or highways from funds appropriated to its use; on county lands and county roads, on township lands and township roads, on city lands, streets and alleys by the county, township or city in which such lands, roads, streets and alleys are located, and from funds made available for that purpose; on drainage districts, irrigation districts, cemetery associations and other political subdivisions of the state, the costs shall be paid from their respective funds made available for the purpose.

(2) If any state agency fails to control noxious weeds on any land or highways owned or supervised by such agency after 15 days' notice directing such agency to do so, the board of county commissioners shall proceed to have proper control and eradication methods used upon such lands and shall notify the agency by certified mail of the total cost of such operations with demand for payment. Such agency shall pay 100% of such cost within 30 days after receiving the notification of cost. If such agency does not pay 100% of the cost within 30 days, the county may levy an additional fine of up to 25% of the total cost for every 30 days such costs are not paid by such agency.

(3) If the governing body of any political subdivision owning or supervising lands

infested with noxious weeds within their jurisdiction fails to control such noxious weeds after 15 days' notice directing any such body to do so, the board of county commissioners shall proceed to have proper control and eradication methods used upon such lands, and shall notify the governing body of the political subdivision by certified mail of the costs of such operations, with a demand for payment. The governing body of the political subdivision shall pay such costs from its noxious weed fund, or if no such fund is available, from its general fund or from any other funds available for such purpose. Copy of the statement, together with proof of notification, shall at the same time be filed with the county clerk, and if the amount is not paid within 30 days, such clerk shall spread the amount upon the tax roll of the subdivision, and such amount shall become a lien against the entire territory located within the particular political subdivision, and shall be collected as other taxes are collected.

(b) All moneys collected pursuant to this section shall be paid into the county noxious weed eradication fund.

(c) As used in this section, "governing body" means the board, body, or persons in which the powers of a political subdivision as a body corporate are vested; and "political subdivision" means any agency or unit of the state authorized to levy taxes or empowered to cause taxes to be levied.

(d) On all other lands the owner thereof shall pay the cost of control and eradication of noxious weeds. Except as provided in K.S.A. 2-1333, and amendments thereto, chemical materials for use on privately owned lands may be purchased from the board of county commissioners at a price fixed by the board of county commissioners which shall be in an amount equal to not less than 50% nor more than 75% of the total cost incurred by the county in

purchasing, storing and handling such chemical materials. However, once the tax levying body of a county, city or township has authorized a tax levy of 1.5 mills or more, the board of county commissioners may collect from the owner of privately owned lands an amount equal to 75% but not more than 100% of the total cost incurred by the county in purchasing, storing and handling of chemical materials used in the control and eradication of noxious weeds on such privately owned lands. Whenever official methods of eradication, adopted by the secretary of agriculture, are not followed in applying the chemical materials so purchased, the board of county commissioners may collect the remaining portion of the total cost thereof.

Sec. 3. K.S.A. 2015 Supp. **2-1314 and 2-1319** are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.