

As Amended by House Committee

Session of 2016

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;

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

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

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

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

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

13 (b) Once a weed has been declared noxious under this section, the
14 secretary shall consider such weed as noxious as provided in K.S.A. 2-
15 1314, and amendments thereto, and take every action and use any means
16 available to control or eradicate such noxious weed species as authorized
17 in this act.

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

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

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

30 New Sec. 3. (a) There is hereby created the state noxious weed
31 advisory committee, referred to in this section as the state advisory
32 committee. The state advisory committee shall consist of ~~11~~ 13 voting
33 members and the secretary or a duly appointed representative of the
34 secretary as a non-voting ex officio member. Representation on the state
35 advisory committee shall reflect the different geographic areas of the state
36 equally to the greatest extent possible. Such members shall receive no
37 compensation for serving on such state advisory committee, but shall be
38 paid subsistence allowances, mileage and other expenses as provided in
39 K.S.A. 75-3223, and amendments thereto, from moneys appropriated
40 therefor to the Kansas department of agriculture. The ~~11~~ 13 voting
41 members shall be appointed by the secretary as follows:

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

1 (2) two members shall represent weed specialists from Kansas state
2 university college of agriculture or the Kansas state research and extension
3 and shall be appointed upon the recommendation of the dean of the college
4 of agriculture and the director of Kansas state research and extension;

5 (3) one member shall be a county commissioner and shall be
6 appointed upon recommendation of the Kansas association of counties;

7 (4) three members shall be private landowners;

8 (5) two members shall represent county weed directors and shall be
9 appointed upon the recommendation of the board of directors of the county
10 weed directors association of Kansas;

11 (6) one member shall represent the agricultural industries in the state
12 and shall be appointed upon the recommendation of the board of directors
13 of the Kansas agribusiness retailers association; ~~and~~

14 (7) one member shall be appointed upon the recommendation of the
15 board of directors of the Kansas cooperative council;

16 **(8) one member shall represent a natural resource management**
17 **professional from the Kansas biological survey and shall be appointed**
18 **upon the recommendation of the director of the Kansas biological**
19 **survey; and**

20 **(9) one member shall represent the Kansas pest control**
21 **association and shall be appointed by the president of the Kansas pest**
22 **control association.**

23 (b) (1) Except as provided in this section, the term of office of each
24 member of the committee shall be four years. The initial appointments to
25 the committee shall be as follows:

26 (A) Four members shall be appointed for terms of two years;

27 (B) four members shall be appointed for terms of three years; and

28 (C) three members shall be appointed for terms of four years.

29 (2) The secretary shall designate the term of office for each member
30 appointed to the first committee. Appointees shall be limited to serving a
31 total of two full terms each. Each state advisory committee member shall
32 hold office until the expiration of the term for which such member is
33 appointed or until a successor has been duly appointed.

34 (3) In the event of a vacancy on the state advisory committee, the
35 appointing body of the vacating member shall fill such vacancy for the
36 remainder of the unexpired term before the next meeting.

37 (4) The secretary may remove any member of the state advisory
38 committee for misconduct, incompetence or neglect of duty.

39 (5) A quorum of the state advisory committee shall be ~~six~~ **a majority**
40 of the members duly appointed to the state advisory committee.

41 (6) A quorum of the state advisory committee shall elect or appoint
42 annually a chairperson and a vice-chairperson.

43 (7) The state advisory committee shall meet at least quarterly.

1 (c) The state advisory committee shall, among other duties assigned
2 by the secretary:

3 (1) Review the state weed management plan every five years and
4 recommend changes and updates to the secretary for approval;

5 (2) through the use of a **science-based** risk assessment, designated by
6 the secretary, recommend the designation and classification of state
7 noxious weeds. **Such assessment shall consider, at a minimum:**

8 **(A) The impact on the natural and agricultural environment,**
9 **including potential toxicity to humans and livestock;**

10 **(B) the invasiveness of the species under consideration,**
11 **determined based on the rate of spread and the potential for, and**
12 **methods of, dispersal; and**

13 **(C) the potential for infestation in the state;**

14 (3) review the noxious weed act and the list of species declared to be
15 noxious weeds by rules and regulations of the secretary every four years
16 and recommend changes to the secretary;

17 (4) review the official eradication and control methods for each state
18 noxious weed and recommend changes to the secretary; and

19 (5) before January 1 of each odd-numbered year report to the
20 secretary on the expenditure of state funds on noxious weed control;
21 specifically how such funds were spent; the status of the state and county
22 programs; and recommendations for the continued best use of state funds
23 for noxious weed control. The report shall include recommendations as to
24 the long-term needs regarding noxious weed control.

25 (d) Recommendations of the state advisory committee shall be made
26 by a majority vote of the members of the state advisory committee.

27 New Sec. 4. It shall be unlawful for any person, company or
28 corporation:

29 (a) To import, introduce, plant, sow, move or knowingly allow to
30 grow any weed declared and designated as noxious pursuant to K.S.A. 2-
31 1314, and amendments thereto, except in accordance with such conditions
32 as the secretary may prescribe by rules and regulations to prevent the
33 dissemination of such noxious weeds into this state;

34 (b) to sell, barter or give away nursery stock, plants, packing
35 materials, animal fertilizer and soil or sod for landscaping or fertilizer use
36 which contains, or is infested with, noxious weed plant material or seeds;

37 (c) to transport articles, seed, screening, grains, crops, straw, hay,
38 forage, offal material or feed of any kind containing noxious weed plant
39 material or seeds unless such materials shall have been carried or
40 transported in such vehicles or containers which prevent the leaking or
41 scattering thereof or are processed by grinding or other means adequate to
42 destroy the viability of all such noxious weed plant material or seeds,
43 except such feeds that are to be fed to livestock may be sold for

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

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

12 (e) This section shall not apply to:

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

15 (2) activities specifically permitted by the secretary.

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

20 Sec. 6. K.S.A. 2015 Supp. 2-1314 is hereby amended to read as
21 follows: 2-1314. (a) *The secretary shall adopt rules and regulations to*
22 *declare the weeds of the state that are noxious weeds. Once a weed has*
23 *been declared to be a noxious weed, it shall be considered a noxious weed*
24 *in every county of the state. The secretary shall not declare any species to*
25 *be a noxious weed without the recommendation of the state advisory*
26 *committee, except under an emergency declaration as provided in section*
27 *2, and amendments thereto. It shall be the duty of persons, associations of*
28 *persons, the secretary of transportation, the boards of county*
29 *commissioners, the township boards, school boards, drainage boards, the*
30 *governing body of incorporated cities, railroad companies and other*
31 *transportation companies or corporations or their authorized agents and*
32 *those supervising state-owned lands to control the spread of and to*
33 *eradicate all weeds declared by legislative action to be noxious on all lands*
34 *owned or supervised by them and to use such methods for that purpose and*
35 *at such times as are approved and adopted by the Kansas department of*
36 *agriculture. The term noxious weeds shall mean*

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

1 cuneata). *The provisions of this subsection shall expire on December 31,*
2 *2017.*

3 (c) *A board of county commissioners may, with the approval of the*
4 *secretary, publish a list of the species of weeds to be controlled in the*
5 *county, in addition to those declared as noxious pursuant to this section.*
6 *Any species so listed shall be considered to be a noxious weed within the*
7 *boundaries of that county.*

8 (1) *The board of county commissioners shall, for any species to be*
9 *listed as provided in this subsection that previously has not been listed by*
10 *another county, submit to the secretary for approval official methods for*
11 *the control and eradication of such species. Any county subsequently*
12 *listing the same species shall adopt the official methods for the control*
13 *and eradication of that species as approved by the secretary.*

14 (2) *If any species listed by the board of county commissioners of any*
15 *county is later declared a noxious weed by rules and regulations of the*
16 *secretary, the official methods adopted by the secretary for the control and*
17 *eradication of such species pursuant to K.S.A. 2-1315, and amendments*
18 *thereto, shall control over any methods adopted by the board of county*
19 *commissioners.*

20 (3) *Cost share chemicals, in accordance with K.S.A. 2-1322, and*
21 *amendments thereto, shall be made available for the control and*
22 *eradication of any species listed by a board of county commissioners*
23 *pursuant to this subsection.*

24 (d) **Beginning on December 31, 2017, and on December 31 every**
25 **fourth year thereafter, the secretary shall report to the chairperson of**
26 **the house standing committee on agriculture and natural resources**
27 **and the chairperson of the senate standing committee on agriculture a**
28 **list of the weeds considered noxious by the rules and regulations**
29 **promulgated by the secretary.**

30 Sec. 7. K.S.A. 2-1314b is hereby amended to read as follows: 2-
31 1314b. (a) The board of county commissioners of any county may declare
32 the multiflora rose (*Rosa multiflora*) or the bull thistle (*Cirsium vulgare*),
33 or both, to be a noxious weed within the boundaries of such county. In
34 such event, all of the provisions of article 13 of chapter 2 of the Kansas
35 Statutes Annotated, *and amendments thereto*, which pertain to the control
36 and eradication of noxious weeds shall apply to the control and eradication
37 of the multiflora rose or the bull thistle, or both, within any such county.

38 (b) If the board of county commissioners of any county does not
39 declare the multiflora rose or the bull thistle, or both, to be a noxious weed
40 within the boundaries of such county, a petition requesting the secretary of
41 agriculture to declare the multiflora rose or the bull thistle, or both, to be a
42 noxious weed within the boundaries of such county, signed by not less
43 than 5% of the qualified electors of the county, may be filed with the

1 county election officer of the county. Upon receipt of any such petition, the
2 county election officer shall certify the sufficiency of the petition and
3 submit it to the secretary of agriculture. Thereupon, the secretary of
4 agriculture may declare the multiflora rose or the bull thistle, or both, to be
5 a noxious weed within the boundaries of such county. In such event, all of
6 the provisions of article 13 of chapter 2 of the Kansas Statutes Annotated,
7 *and amendments thereto*, which pertain to the control and eradication of
8 noxious weeds shall apply to the control and eradication of the multiflora
9 rose or the bull thistle, or both, within any such county. *The provisions of*
10 *this section shall expire on December 31, 2017.*

11 Sec. 8. K.S.A. 2015 Supp. 2-1315 is hereby amended to read as
12 follows: 2-1315. The secretary of agriculture is hereby empowered to
13 decide and adopt methods as official for control and eradication of noxious
14 weeds and to publish such methods, and to make and publish such rules
15 and regulations as in the secretary's judgment are necessary to carry into
16 effect the provisions of this act, and to alter or suspend such rules and
17 regulations when necessary. The secretary of agriculture may establish not
18 to exceed five noxious weed control districts within this state and define
19 the boundaries of such districts. Such districts shall be established to
20 provide for the most efficient control and eradication of noxious weeds
21 and for the most economical supervision by the state. ~~The secretary may~~
22 ~~designate any county as a sericea lespedeza disaster area to provide for the~~
23 ~~control and eradication of sericea lespedeza within such county. The~~
24 ~~secretary shall consult with the board of county commissioners of any~~
25 ~~county prior to designation of such county as a sericea lespedeza disaster~~
26 ~~area pursuant to this subsection.~~

27 The secretary may consult, advise or render assistance to county and
28 city weed supervisors as to the best and most practical methods of noxious
29 weed control and eradication. It shall be the duty of the county agricultural
30 agent to cooperate with and assist the county weed supervisors in an
31 intensive educational program on weed control. The secretary of
32 agriculture is hereby authorized to enter into agreements with any agencies
33 of the federal government for cooperation in the control and eradication of
34 noxious weeds in Kansas in keeping with the provisions of this act.

35 Sec. 9. K.S.A. 2015 Supp. 2-1316 is hereby amended to read as
36 follows: 2-1316. (a) *The responsibility for the enforcement of the*
37 *provisions of this act shall be vested in the board of county commissioners*
38 *as to all lands, unless otherwise provided for, within the boundaries of*
39 *such county. Cities and townships may enter into an agreement with the*
40 *board of county commissioners to take upon themselves the responsibility*
41 *of the enforcement of the provisions of this act. If, at any time, a board of*
42 *county commissioners determines that a city or township within the*
43 *boundaries of the county that has taken upon itself the responsibility of the*

1 *enforcement of the provisions of this act, is unable or unwilling to fulfill*
2 *those responsibilities, the board of county commissioners may revoke the*
3 *terms of the agreement and resume the responsibility for the enforcement*
4 *of the provisions of this act.*

5 (b) The board of county commissioners of each county shall, and the
6 governing body of any incorporated city or any group of counties or cities
7 may, employ for a stated time each year, with the approval of the secretary
8 of agriculture, ~~a competent person as~~ county, city or district weed
9 supervisor.

10 (b) (c) ~~The weed supervisor shall consult and cooperate with the state~~
11 ~~division of noxious weeds and with the assistant weed control director~~
12 ~~appointed for the supervisor's district, make annual surveys of infestations~~
13 ~~(compile data on areas eradicated and under treatment), and submit an~~
14 ~~annual report to the county commissioners and to the state division of~~
15 ~~noxious weeds, to consult and advise upon~~ *secretary* in all matters
16 pertaining to the best and most practical methods for noxious weed control
17 and eradication and to render every possible assistance and direction for
18 the most effective control and eradication within the supervisor's district;
19 investigate or aid in the investigation and prosecution of any violation of
20 this act and report violations of which the supervisor has knowledge to the
21 county attorney.

22 (e) (d) ~~The salary of the county weed supervisor shall be borne as~~
23 ~~follows: The Kansas department of agriculture to pay not more than one-~~
24 ~~fourth thereof from any funds available, not less than three-fourths thereof~~
25 ~~to be borne as follows: The Kansas department of agriculture to pay~~
26 **not more than $\frac{1}{4}$ thereof from any funds available, not less than $\frac{3}{4}$**
27 **thereof to be** paid out of the county noxious weed fund *or, if the county*
28 *noxious weed program is funded primarily through county general funds,*
29 *the salary shall be paid from the county general funds, prorated as may be*
30 *decided at the time of such employment by the governing body or bodies*
31 *employing such supervisor. If the noxious weed program is funded from*
32 *more than one source, the salary shall be paid from each source in*
33 *proportion to which it contributes to the noxious weed program.*

34 (d) (e) ~~The boards of county commissioners, governing bodies of~~
35 ~~cities and township boards, with the aid of their weed supervisors, shall~~
36 ~~make by February 15th each year an annual weed eradication progress~~
37 ~~report to the secretary of agriculture for the preceding calendar year, on a~~
38 ~~form supplied by the secretary, and such other weed reports as established~~
39 ~~by rules and regulations of the secretary of agriculture~~ *The weed*
40 *supervisor shall make annual surveys of infestations and ascertain the*
41 *approximate amount of land and highways infested with each kind of*
42 *noxious weed and its location in the county not later than October 31 of*
43 *each year. The weed supervisor shall compile data on areas eradicated*

1 *and under treatment and any other data the secretary may deem*
2 *necessary, and submit by March 15 of each year, an annual weed*
3 *eradication progress report for the preceding calendar year to the board*
4 *of county commissioners for their signatures and then to the secretary. The*
5 *weed supervisor shall prepare and submit, by March 15 of each year, a*
6 *management plan for the coming year to the board of county*
7 *commissioners and to the secretary for approval.*

8 Sec. 10. K.S.A. 2015 Supp. 2-1317 is hereby amended to read as
9 follows: 2-1317. The secretary of agriculture or the secretary's duly
10 authorized representative and the local district or county weed supervisor
11 shall confer, at such time or times as seems necessary and advisable *to the*
12 *secretary*, with persons and associations of persons, the secretary of
13 transportation, the board of county commissioners, the township boards or
14 other boards and the governing body of cities, railroad companies or other
15 corporations, or their authorized agents, as to the extent of noxious weed
16 infestation on their lands, and the methods deemed best suited to the
17 control and eradication of each kind of noxious weeds within their
18 respective jurisdictions. ~~The county commissioners and the governing~~
19 ~~body of cities, shall report to the secretary of agriculture as to the extent~~
20 ~~and the official methods of control and eradication of noxious weeds to be~~
21 ~~undertaken in any one season in their jurisdiction, subject to the approval~~
22 ~~of the secretary.~~

23 Sec. 11. K.S.A. 2015 Supp. 2-1318 is hereby amended to read as
24 follows: 2-1318. ~~The county weed supervisor of each county is hereby~~
25 ~~directed and it shall be the duty of the county weed supervisor to ascertain~~
26 ~~each year the approximate amount of land and highways infested with~~
27 ~~each kind of noxious weeds and its location in the county, and transmit~~
28 ~~such information tabulated by cities and townships not later than June 1 of~~
29 ~~each year, to the secretary of agriculture, board of county commissioners,~~
30 ~~and to the governing body of each city and township in the district~~
31 ~~pertaining to such noxious weed infestation in their respective jurisdiction.~~
32 *(a) On the basis of such information the infestation survey prescribed by*
33 *K.S.A. 2-1316, and amendments thereto, the tax levying body of each*
34 *county, township or incorporated city shall either make a tax levy each*
35 *year for the purpose of paying their part of the cost of control and*
36 *eradication thereof as provided in this act and, or set aside a portion of the*
37 *county general fund equivalent to the budget of the county weed program.*
38 *In the case of cities and counties, a portion of the tax levy may be used*
39 *to pay a portion of the principal and interest on bonds issued under the*
40 *authority of K.S.A. 12-1774, and amendments thereto, by cities located in*
41 *the county. Each county, city, and township, separately, shall make a levy*
42 *each year for such purpose. Any township or city may budget expenditures*
43 *for weed control within its general operating fund in lieu of levying a*

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 the 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

1 weed fund, or if no such fund is available, from its general fund or from
2 any other funds available for such purpose. Copy of the statement, together
3 with proof of notification, shall at the same time be filed with the county
4 clerk, and if the amount is not paid within 30 days, such clerk shall spread
5 the amount upon the tax roll of the subdivision, and such amount shall
6 become a lien against the entire territory located within the particular
7 political subdivision, and shall be collected as other taxes are collected.

8 (b) All moneys collected pursuant to this section shall be paid into the
9 county noxious weed eradication fund, *or if the noxious weed program is*
10 *funded primarily through the county general fund, such moneys shall be*
11 *paid into the county general fund. If the noxious weed program is funded*
12 *from more than one source, all moneys collected pursuant to this section*
13 *shall be paid from each source in proportion to which it contributes to the*
14 *noxious weed program.*

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

20 ~~(d) On all other lands the owner thereof shall pay the cost of control~~
21 ~~and eradication of noxious weeds. Except as provided in K.S.A. 2-1333,~~
22 ~~and amendments thereto, chemical materials for use on privately owned~~
23 ~~lands may be purchased from the board of county commissioners at a price~~
24 ~~fixed by the board of county commissioners which shall be in an amount~~
25 ~~equal to not less than 50% nor more than 75% of the total cost incurred by~~
26 ~~the county in purchasing, storing and handling such chemical materials.~~
27 ~~However, once the tax levying body of a county, city or township has~~
28 ~~authorized a tax levy of 1.5 mills or more, the board of county~~
29 ~~commissioners may collect from the owner of privately owned lands an~~
30 ~~amount equal to 75% but not more than 100% of the total cost incurred by~~
31 ~~the county in purchasing, storing and handling of chemical materials used~~
32 ~~in the control and eradication of noxious weeds on such privately owned~~
33 ~~lands. Whenever official methods of eradication, adopted by the secretary~~
34 ~~of agriculture, are not followed in applying the chemical materials so~~
35 ~~purchased, the board of county commissioners may collect the remaining~~
36 ~~portion of the total cost thereof.~~

37 Sec. 13. K.S.A. 2-1320 is hereby amended to read as follows: 2-1320.
38 In case the county weed supervisor or city weed supervisor enters upon
39 land or furnishes weed control materials pursuant to a contract or an
40 agreement with an owner, operator or supervising agent of noxious weed
41 infested land for the control of such noxious weeds and, as a result of such
42 weed control methods, there are any unpaid accounts outstanding by
43 December 31 of each year, the county commissioners or governing body

1 of the city shall immediately notify or cause to be notified, such owner
2 with an itemized statement as to the cost of material, labor and use of
3 equipment and further stating that if the amount of such statement is not
4 paid to the county or city treasurer wherein such real estate is located
5 within 30 days from the date of such notice, a penalty charge of 10% of the
6 amount remaining unpaid shall be added to the account and the total
7 amount thereof shall become a lien upon such real estate. The unpaid
8 balance of such account and such penalty charge shall draw interest from
9 the date of entering into such contract at the rate prescribed for delinquent
10 taxes pursuant to K.S.A. 79-2004, and amendments thereto. A copy of the
11 statement, together with proof of notification, shall at the same time be
12 filed with the register of deeds in such county and the county or city clerk,
13 as the case may be, and if such amount is not paid within the next 30 days
14 the county or city clerk, as the case may be, shall spread the amount of
15 such statement upon the tax roll prepared by the clerk and such amount
16 shall become a lien against the entire contiguous tract of land owned by
17 such person or persons of which the portion so treated is all or a part, and
18 shall be collected as other taxes are collected, and all moneys so collected
19 shall be paid into the noxious weed eradication fund, ~~except that not more~~
20 ~~than 5% of the assessed valuation of the entire contiguous tract of land of~~
21 ~~which the portion so treated is all or a part shall be spread on the tax rolls~~
22 ~~against such land in any one year or, if the noxious weed program is~~
23 ~~funded primarily through the county general fund, such moneys shall be~~
24 ~~paid into the county general fund. If the noxious weed program is funded~~
25 ~~from more than one source, all moneys collected pursuant to this section~~
26 ~~shall be paid from each source in proportion to which it contributes to the~~
27 ~~noxious weed program. If any land subject to a lien imposed under this~~
28 ~~section is sold or transferred, the entire remaining unpaid balance of such~~
29 ~~account plus any accrued interest and penalties shall become due and~~
30 ~~payable prior to the sale or transfer of ownership of the property, and upon~~
31 ~~collection shall be paid to the noxious weed eradication fund or, if the~~
32 ~~noxious weed program is funded primarily through the county general~~
33 ~~fund, such moneys shall be paid into the county general fund. If the~~
34 ~~noxious weed program is funded from more than one source, all moneys~~
35 ~~collected pursuant to this section shall be paid from each source in~~
36 ~~proportion to which it contributes to the noxious weed program.~~

37 Sec. 14. K.S.A. 2015 Supp. 2-1322 is hereby amended to read as
38 follows: 2-1322. (a) The board of county commissioners, or the governing
39 body of incorporated cities, cooperating with the secretary of agriculture,
40 shall purchase or provide for needed and necessary equipment and
41 necessary chemical material for the control and eradication of noxious
42 weeds. The board of county commissioners of any county or the governing
43 body of any city may use any equipment or *apply any chemical materials*

1 purchased as provided for in this section, upon the highways, streets and
2 alleys *and county-owned or managed property*, for the treatment and
3 eradication of weeds which have not been declared noxious ~~by legislative~~
4 ~~action~~.

5 (b) Except as provided in K.S.A. 2-1333, and amendments thereto,
6 the board of county commissioners shall sell chemical material to the
7 landowners in their jurisdiction *who have been assessed a tax by the*
8 *county* at a price fixed by the board of county commissioners which shall
9 be in an amount equal to not less than 50% nor more than 75% of the total
10 cost incurred by the county in purchasing, storing and handling such
11 chemical materials used in the control and eradication of noxious weeds,
12 and may make such charge for the use of machines or other equipment and
13 operators as may be deemed by them sufficient to cover the actual cost of
14 operation. However, once the tax levying body of a county, city or
15 township has authorized a tax levy of 1.5 mills or more, the board of
16 county commissioners may collect from the landowners in their
17 jurisdiction an amount equal to 75% but not more than 100% of the total
18 cost incurred by the county in purchasing, storing and handling of
19 chemical materials used in the control and eradication of noxious weeds.

20 (c) *The board of county commissioners of a county that funds its*
21 *noxious weed program from the county general fund shall sell chemical*
22 *material to the landowners in its jurisdiction who have been assessed a tax*
23 *by the county at a price fixed by the board of county commissioners which*
24 *shall be in an amount equal to not less than 50% nor more than 75% of*
25 *the total cost incurred by the county in purchasing, storing and handling*
26 *such chemical materials used in the control and eradication of noxious*
27 *weeds, and may make such charge for the use of machines or other*
28 *equipment and the operators as may be deemed by the board of county*
29 *commissioners sufficient to cover the actual cost of operation. However,*
30 *once the tax levying body of a county, city or township has appropriated a*
31 *budget equivalent to 1.5 mills or more, the board of county commissioners*
32 *may collect from the landowners in their jurisdiction an amount equal to*
33 *75% but not more than 100% of the total cost incurred by the county in*
34 *purchasing, storing and handling of chemical materials used in the control*
35 *and eradication of noxious weeds.*

36 (d) Whenever official methods of eradication adopted by the
37 secretary of agriculture are not used in applying the chemical material
38 purchased, the board of county commissioners may collect the remaining
39 portion of the total cost thereof from the landowner.

40 (⊕) (e) The board of county commissioners, township boards, and the
41 governing body of cities shall keep a record showing purchases of material
42 and equipment for control and eradication of noxious weeds. The board of
43 county commissioners and the governing body of cities shall also keep a

1 complete itemized record showing sales for cash or charge sales of
2 material and shall maintain a record of charges and receipts for use of
3 equipment owned by each county or city on public and private land. Such
4 records shall be open to inspection by citizens of Kansas at all times.

5 *(f) All moneys collected from the sales of chemical material and the*
6 *charges for the use of machines shall be deposited into the noxious weed*
7 *eradication fund or; if the noxious weed program is funded primarily*
8 *through the county general fund, such moneys shall be paid into the*
9 *county general fund. If the noxious weed program is funded from more*
10 *than one source, all moneys collected pursuant to this section shall be*
11 *paid from each source in proportion to which it contributes to the noxious*
12 *weed program for the purpose of paying for the purchase of additional*
13 *chemical material as provided in this section and for the cost of control*
14 *and eradication of noxious weeds as provided in this act.*

15 Sec. 15. K.S.A. 2-1323 is hereby amended to read as follows: 2-1323.
16 Any person, association of persons, corporation, county or city or other
17 official who shall violate or fail to comply with any of the provisions of
18 this act ~~and acts amendatory thereof or supplemental thereto~~ shall be guilty
19 of a misdemeanor and shall be punished upon conviction thereof by a fine
20 of ~~\$100~~ \$200 per day for each day of noncompliance ~~up to a maximum~~
21 ~~fine of \$1,500 for each violation~~ **up to a maximum fine of \$2,500.**

22 Sec. 16. K.S.A. 2-1330 is hereby amended to read as follows: 2-1330.
23 County commissioners, township boards, city officials and state, county
24 and city weed supervisors shall have at all reasonable times, free access to
25 enter upon premises and to inspect property, both real and personal,
26 regardless of location, in connection with the administration of ~~the state~~
27 ~~weed law~~ *this act.*

28 Sec. 17. K.S.A. 2015 Supp. 2-1331 is hereby amended to read as
29 follows: 2-1331. (a) When a county weed supervisor has knowledge that
30 any land in the supervisor's county is infested, in any current year, with
31 any noxious weed, the supervisor shall give notice, by publication of a
32 general notice in the official county newspaper pursuant to subsection (b)
33 or an official notice by mail, of such infestation to the person, association
34 of persons, governmental agency, corporation or agent thereof, which
35 owns the land. ~~As used in this section, governmental agency means the~~
36 ~~state or any agency or political subdivision thereof or the government of~~
37 ~~the United States or any agency or instrumentality thereof.~~ In the event the
38 land is under the control or supervision of an operator or supervising
39 agent, the notice shall also be mailed to the operator or supervising agent.
40 Such notice shall contain the procedures described in the Kansas official
41 methods and regulations for the control and eradication of any noxious
42 weed found on the land and shall contain a specified time within which the
43 owner, operator or supervising agent shall complete the required treatment

1 for the control or eradication of any such noxious weed.

2 (b) ~~On or before March 1 of each year, the secretary of agriculture~~
3 ~~shall notify in writing each county weed supervisor of a general notice of~~
4 ~~noxious weed infestation, as established by rules and regulations.~~ On or
5 before April 1 of each year, the county weed supervisor may publish in the
6 official county newspaper the general notice of noxious weed infestation
7 which shall remain in effect until March 31 of the following year. The cost
8 of such publication shall be paid from the noxious weed eradication fund
9 *or, if the county noxious weed program is funded primarily through the*
10 *county general fund, the cost shall be paid from the county general fund. If*
11 *the noxious weed program is funded from more than once source, the cost*
12 *shall be paid from each source in proportion to which it contributes to the*
13 *noxious weed program.*

14 (c) If an inspection, by the county weed supervisor, made on or after
15 the completion date stated in the official notice prescribed under
16 subsection (a) or publication of the general notice under subsection (b),
17 reveals satisfactory treatment progress has not been made, the county weed
18 supervisor may send, by certified mail, to the owner and to the operator or
19 supervising agent of the noxious weed infested land a legal notice as
20 described in subsection (e).

21 (d) In the event the county weed supervisor determines that musk
22 thistle plants which are found on land in the supervisor's county have
23 reached a stage of maturity where weed control methods applied currently
24 would not give satisfactory results, the supervisor may give legal notice
25 requiring fall treatment to be performed in the current year.

26 (e) ~~Legal notice given to the owner and to the operator or supervising~~
27 ~~agent of any noxious weed infested land shall include, but not be limited~~
28 ~~to, the following:~~

29 (1) ~~A legal description of the noxious weed infested land;~~

30 (2) ~~the name of the owner and operator or supervising agent of the~~
31 ~~noxious weed infested land, as shown by records of the county clerk;~~

32 (3) ~~the approximate acreage of each noxious weed in the infestation~~
33 ~~or infestations involved;~~

34 (4) ~~a copy of the Kansas official methods and regulations applicable~~
35 ~~for controlling each named noxious weed;~~

36 (5) ~~a specified time, within which noxious weed control methods are~~
37 ~~required to be completed; such specified time shall not be less than five~~
38 ~~days after mailing of the notice;~~

39 (6) ~~a statement that unless the owner, operator or supervising agent~~
40 ~~completes the required noxious weed control methods within the specified~~
41 ~~time, the county weed supervisor may enter or cause to be entered upon~~
42 ~~the noxious weed infested land as often as is necessary and use such~~
43 ~~approved methods as are best adapted for the eradication and control of~~

1 noxious weeds on the particular area of land;

2 ~~(7) a statement to inform the owner, operator or supervising agent~~
3 ~~that they may be prosecuted pursuant to K.S.A. 2-1323, and amendments~~
4 ~~thereto, and if convicted, fined as established by law~~ *The secretary shall*
5 *adopt rules and regulations defining the legal notice to be given to the*
6 *owner and to the operator or supervising agent of any noxious weed*
7 *infested land.*

8 (f) Prior to issuing any legal notice pursuant to subsection (c) or (d),
9 the county weed supervisor shall notify the owner, operator or supervising
10 agent by telephone call, personal contact ~~or~~, first class mail *or by*
11 *electronic means* of the noxious weed infestation.

12 Sec. 18. K.S.A. 2-1332 is hereby amended to read as follows: 2-1332.
13 In the event the county weed supervisor enters or causes entry upon land to
14 control any noxious weed infestation, after service of legal notice, such
15 supervisor shall immediately notify or cause to be notified, by certified
16 mail, the owner of such land with an itemized statement of the costs of
17 treatment. Such costs of treatment shall include the total cost of material,
18 labor and use of equipment. Such statement shall include a penalty charge
19 of 10% of the total amount of treatment costs. The unpaid balance of any
20 such treatment costs including such penalty charge shall draw interest from
21 the date of treatment at the rate prescribed for delinquent taxes pursuant to
22 K.S.A. 79-2004, and amendments thereto. A copy of such statement,
23 together with proof of notification, shall at the same time be filed with the
24 register of deeds in such county and the county clerk, and if such amount
25 is not paid within 30 days from the date of mailing of such notice the
26 county clerk shall record the amount of such statement upon the tax roll
27 prepared by such county clerk and such amount shall become a lien
28 against the entire contiguous tract of land owned by such person or
29 persons of which the portion so treated is all or a part, and shall be
30 collected as other taxes are collected and all moneys so collected shall be
31 paid into the noxious weed eradication fund *or, if the noxious weed*
32 *program is funded primarily through the county general fund, such*
33 *moneys shall be paid into the county general fund. If the noxious weed*
34 *program is funded from more than one source, all moneys collected*
35 *pursuant to this section shall be paid from each source in proportion to*
36 *which it contributes to the noxious weed program, except that not more*
37 *than 10% 50% of the assessed valuation cost of treating the portion of the*
38 *entire contiguous tract of land of which the portion so treated is all or a*
39 *part as described and defined in the legal notice as provided in K.S.A. 2-*
40 *1331, and amendments thereto, shall be recorded on the tax rolls against*
41 *such land in any one year. The board of county commissioners may, after*
42 *discussion with the landowner in question, develop a payment plan for the*
43 *payment of the full amount of the lien over time. If for any reason the*

1 *landowner should fail to fulfill the terms of such agreement, the board of*
2 *county commissioners may collect the remainder of the amount owed as*
3 *provided in K.S.A. 2-1320, and amendments thereto. All moneys collected*
4 *through a payment plan shall be deposited with the county treasurer for*
5 *credit to the county noxious weed eradication fund or, if the noxious weed*
6 *program is funded primarily through the county general fund, such*
7 *moneys shall be paid into the county general fund. If the noxious weed*
8 *program is funded from more than one source, all moneys collected*
9 *pursuant to this section shall be paid from each source in proportion to*
10 *which it contributes to the noxious weed program. If any land subject to a*
11 *lien imposed under this section is sold or transferred, the entire remaining*
12 *unpaid balance of such account plus any accrued interest and penalties*
13 *shall become due and payable prior to the sale or transfer of ownership of*
14 *the property, and upon collection shall be paid to the noxious weed*
15 *eradication fund or, if the noxious weed program is funded primarily*
16 *through the county general fund, such moneys shall be paid into the*
17 *county general fund. If the noxious weed program is funded from more*
18 *than one source, all moneys collected pursuant to this section shall be*
19 *paid from each source in proportion to which it contributes to the noxious*
20 *weed program.*

21 Sec. 19. K.S.A. 2-1314b, 2-1316a, 2-1320, 2-1323, 2-1325, 2-1326,
22 2-1328, 2-1329, 2-1330 and 2-1332 and K.S.A. 2015 Supp. 2-1314, 2-
23 1315, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322, 2-1327, 2-1331 and 2-
24 1334 are hereby repealed.

25 Sec. 20. This act shall take effect and be in force from and after its
26 publication in the statute book.