

2021 Kansas Statutes

2-1314. Declaring plants as noxious weeds; control and eradication. (a) The secretary shall adopt rules and regulations to declare species of plants as noxious weeds in the state. Once a species of plant 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 of plant to be a noxious weed without the recommendation of the state advisory committee, except under an emergency declaration as provided in K.S.A. 2021 Supp. 2-1314c, and amendments thereto. It shall be the duty of persons to control the spread of and to eradicate all species of plants declared to be noxious weeds on all lands owned or supervised by them and to use such official methods for the control and eradication, and at such times as are approved and adopted by the secretary.

(b) The following species of plants shall be considered noxious weeds: 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*). The provisions of this subsection shall expire on December 31, 2020.

(c) Prior to adopting rules and regulations declaring species of plants noxious weeds in the state, the secretary shall prepare a report discussing the proposed changes to the official list of noxious weeds promulgated by the secretary. The report shall include information regarding the secretary's proposed addition of any noxious weeds to the official list and the secretary's proposed removal of any noxious weeds from the official list. The secretary shall submit such report to the legislature prior to adopting rules and regulations declaring species of plants noxious weeds in the state.

(d) (1) In addition to those species of plants declared as noxious weeds pursuant to this act, a board of county commissioners may, with the approval of the secretary, publish a list of the species of plants to be controlled in the county. Any species of plant so listed shall be considered a noxious weed within the boundaries of that county.

(2) The board of county commissioners shall, for any species of plant to be listed as provided in this section that previously has not been listed by another county, submit to the secretary for approval official methods for the control and eradication of such species of plant. Any county subsequently listing the same species of plant shall adopt the official methods for the control and eradication of that species of plant as approved by the secretary or submit additional control methods to the secretary for approval. If the secretary approves the additional control methods, such methods shall be made part of the official control methods available to all counties.

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

(4) Chemical materials shall be made available in accordance with K.S.A. 2-1322, and amendments thereto, for the control and eradication of any species of plant listed by a board of county commissioners and approved by the secretary pursuant to this subsection.

History: L. 1937, ch. 1, § 1; L. 1945, ch. 3, § 1; L. 1961, ch. 4, § 1; L. 1963, ch. 6, § 1; L. 1972, ch. 4, § 1; L. 1975, ch. 427, § 1; L. 1981, ch. 8, § 1; L. 1998, ch. 85, § 2; L. 1998, ch. 85, § 3; L. 2004, ch. 101, § 189; L. 2018, ch. 77, § 5; July 1.