

As Amended by House Committee

HOUSE BILL No. 2583

By Committee on Agriculture

1-30

Proposed Amendment for HB 2583
Senate Committee on Agriculture and Natural Resources
March 22, 2018
Tamera Lawrence
Office of Revisor of Statutes

1 AN ACT concerning agriculture; relating to the control and eradication of
2 noxious weeds in the state of Kansas; amending K.S.A. 2-1314b, 2-
3 1320, 2-1323, 2-1330 and 2-1332 and K.S.A. 2017 Supp. 2-1314, 2-
4 1315, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322 and 2-1331 and
5 repealing the existing sections; also repealing K.S.A. 2-1316a, ~~2-1325,~~
6 ~~2-1326, 2-1328 and 2-1329~~ and K.S.A. 2017 Supp. ~~2-1327 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 would harbor,
16 carry or is capable of disseminating, harbors or carries noxious weeds;~~

17 (3) "certified weed free" means any unprocessed plant product that
18 has been inspected by authorized state officials and found to be free of the
19 reproductive parts of noxious and invasive weeds according to standards
20 set forth by the North American Invasive species management association;

21 (4) "control" means the removal or destruction of the reproductive
22 parts of any noxious weeds before such weeds propagate and spread or
23 whenever required by the secretary or the weed supervisor;

24 (5) "governing body" means the board, body or persons in which the
25 powers of a political subdivision as a corporate body are vested;

26 (6) "governmental agency" means the state or any agency or political
27 subdivision thereof or the government of the United States or any agency
28 or instrumentality thereof;

29 (7) "noxious weed" means any species of plant that the secretary shall
30 determine to be a noxious weed in rules and regulations adopted and
31 promulgated pursuant to this act;

32 (8) "noxious weed plant material" means any noxious weed plant or
33 plant part that is capable of reproducing sexually or asexually;

34 (9) "person" means an individual, associations of persons, companies,
35 corporations, the secretary of transportation, boards of county
36 commissioners, township boards, school boards, drainage boards,

1 (c) (1) A quorum of the state advisory committee shall be ~~the~~ a
2 majority of the members duly appointed to the state advisory committee.

3 (2) A quorum of the state advisory committee shall elect or appoint
4 annually a chairperson and a vice-chairperson.

5 (d) The state advisory committee shall meet at least quarterly.

6 (e) The state advisory committee shall, among other duties assigned
7 by the secretary:

8 (1) Review the state weed management plan every five years and
9 recommend changes and updates to the secretary;

10 (2) recommend the designation and classification of noxious weeds in
11 the state through the use of a risk assessment designated by the secretary;

12 (3) review the noxious weed act and the rules and regulations of the
13 secretary declaring species of plants to be noxious weeds at least every
14 four years and recommend changes to the secretary;

15 (4) review the official methods for the control and eradication for
16 each species of plant declared a noxious weed and recommend changes to
17 the secretary that include both chemical and non-chemical options for
18 such control and eradication; and

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

25 (f) The state advisory committee shall only make recommendations
26 approved by a majority vote of the members.

27 ~~New Sec. 4. (a) Except as provided in subsection (b), it shall be
28 unlawful for any person to knowingly:~~

29 (1) ~~import, introduce, plant, sow, move, knowingly allow to grow, or
30 fail to control the spread of and eradicate any species of plant declared a
31 noxious weed pursuant to this act, except in accordance with such
32 conditions prescribed by the secretary in rules and regulations to prevent
33 the dissemination of such noxious weeds into this state;~~

34 (2) ~~sell, barter or give away nursery stock, plants, packing materials,
35 animal fertilizer and soil or sod for landscaping or fertilizer use that
36 contains noxious weed plant material or seeds;~~

37 (3) ~~transport articles, seed, screenings, ~~grains~~ ~~straw~~, hay,
38 ~~forage or 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 that 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. (A) For~~~~

1 consumption on the same farm where grown, provided that such feeds not
 2 leave the land of the owner or grower between where it was grown and
 3 where it is stored or fed, and provided that such feeds do not cross or
 4 cross any public road; or (B) to commercial processors or commercial
 5 feed mixers. All common carriers shall, when the presence of noxious
 6 weed material or seeds is known, thoroughly clean and destroy any
 7 noxious weed plant material or seeds in or on cars, trucks, vehicles or
 8 other receptacles used by them after each load was delivered to a
 9 consignee before again placing such car, truck, vehicle or receptacle into
 10 service; or

11 ~~(4) transport into or within this state any harvesting or threshing~~
 12 ~~machinery, portable feed grinders, portable seed cleaners, field ensilage~~
 13 ~~cutters or other farm vehicles or machinery that is infested with any~~
 14 ~~noxious weed without first cleaning such equipment free from any noxious~~
 15 ~~weed plant material or seeds;~~

16 ~~(b) This section shall not apply to:~~

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

19 ~~(2) activities specifically permitted by order of the secretary.~~]

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

24 Sec. 6. K.S.A. 2017 Supp. 2-1314 is hereby amended to read as
 25 follows: 2-1314. (a) *The secretary shall adopt rules and regulations to*
 26 *declare species of plants as noxious weeds in the state. Once a species of*
 27 *plant has been declared to be a noxious weed, it shall be considered a*
 28 *noxious weed in every county of the state. The secretary shall not declare*
 29 *any species of plant to be a noxious weed without the recommendation of*
 30 *the state advisory committee, except under an emergency declaration as*
 31 *provided in section 2, and amendments thereto. It shall be the duty of*
 32 *persons, associations of persons, the secretary of transportation, the boards*
 33 *of county commissioners, the township boards, school boards, drainage*
 34 *boards, the governing body of incorporated cities, railroad companies and*
 35 *other transportation companies or corporations or their authorized agents*
 36 *and those supervising state-owned lands to control the spread of and to*
 37 *eradicate all weeds species of plants declared by legislative action to be*
 38 *noxious weeds on all lands owned or supervised by them and to use such*
 39 *official methods for that purpose the control and eradication, and at such*
 40 *times as are approved and adopted by the Kansas department of*
 41 *agriculture. The term noxious weeds shall mean the secretary.*
 42 (b) *The following species of plants shall be considered noxious*
 43 *weeds: Kudzu (Pueraria lobata), field bindweed (Convolvulus arvensis),*

1 shall become due and payable prior to the sale or transfer of ownership of
2 the property, and upon collection shall be paid to the noxious weed
3 eradication fund or, if the noxious weed program is funded primarily
4 through the county general fund, such moneys shall be paid into the
5 county general fund. If the noxious weed program is funded from more
6 than one source, all moneys collected pursuant to this section shall be
7 paid into each source in proportion to its contribution to the noxious weed
8 program.

9 Sec. 19. K.S.A. 2-1314b, 2-1316a, 2-1320, 2-1323, ~~2-1325, 2-1326,~~
10 ~~2-1328, 2-1329,~~ 2-1330 and 2-1332 and K.S.A. 2017 Syp. 2-1314, 2-
11 1315, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322, ~~2-1327,~~ 2-1331 and 2-
12 1334 are hereby repealed.

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