

As Amended by House Committee

Session of 2018

HOUSE BILL No. 2583

By Committee on Agriculture

1-30

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 could 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 governing bodies of cities, railroad companies and other transportation
2 companies or corporations or their authorized agents and those supervising
3 state-owned lands;

4 (10) "political subdivision" means any agency or unit of the state
5 authorized to levy taxes or empowered to cause taxes to be levied;

6 (11) "secretary" means the secretary of agriculture or the secretary's
7 designated representative;

8 (12) "state advisory committee" means the state noxious weed
9 advisory committee consisting of ~~11~~ **13** voting members and the secretary;
10 and

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

15 New Sec. 2. (a) The secretary may, by order, make an emergency
16 declaration of noxious weeds if:

17 (1) A new and potentially harmful species of plant is discovered
18 growing in the state and is verified by the secretary; or

19 (2) the state is facing a potential influx of harmful species of plant as
20 the result of a natural disaster.

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

26 (c) The secretary shall not make an emergency declaration for the
27 same species of plant more than once in a five-year period without the
28 recommendation of the state advisory committee.

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

33 New Sec. 3. (a) There is hereby created the state noxious weed
34 advisory committee, referred to in this act as the state advisory committee.
35 The state advisory committee shall consist of ~~11~~ **13** voting members and
36 the secretary as a non-voting ex officio member. The state advisory
37 committee membership shall reflect the different geographic areas of the
38 state equally to the greatest extent possible. Members of the state advisory
39 committee shall receive no compensation for serving on the state advisory
40 committee, but shall be paid subsistence allowances, mileage and other
41 expenses as provided in K.S.A. 75-3223, and amendments thereto, from
42 moneys appropriated therefor to the Kansas department of agriculture. The
43 ~~11~~ **13** voting members shall be appointed by the secretary as follows:

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

3 (2) two members shall be weed specialists from Kansas state
4 university college of agriculture or Kansas state research and extension,
5 **with one such member having knowledge of non-chemical methods of**
6 **weed control**, and shall be appointed upon the recommendation of the
7 dean of the college of agriculture and the director of Kansas state research
8 and extension;

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

11 (4) three members shall be private landowners;

12 (5) two members shall be weed supervisors and shall be appointed
13 upon the recommendation of the board of directors of the county weed
14 director's association of Kansas;

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

18 (7) **one member shall be a Kansas farmer who grows non-**
19 **traditional Kansas crops, which, for the purposes of this paragraph,**
20 **means any crop except wheat, corn, soybeans, milo, peanuts, cotton,**
21 **hay or oats;**

22 (8) **one member shall be appointed upon the recommendation of**
23 **the Kansas biological survey; and**

24 (9) one member shall be appointed upon the recommendation of the
25 board of directors of the Kansas cooperative council.

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

29 (A) ~~Four~~**Six** members shall be appointed for a term of two years;

30 (B) four members shall be appointed for a term of three years; and

31 (C) three members shall be appointed for a term of four years.

32 (2) The secretary shall designate the initial term of office for each
33 member appointed to the first committee.

34 (3) Each member shall be limited to serving a total of two full terms
35 and shall hold office until the expiration of the term for which such
36 member is appointed or until a successor has been duly appointed.

37 (4) In the event of a vacancy on the state advisory committee, the
38 recommending body of the vacating member shall make a
39 recommendation to the secretary as prescribed in this section. The
40 secretary shall, as soon as is reasonably possible, appoint a member to fill
41 such vacancy for the remainder of the unexpired term.

42 (5) The secretary may remove any member of the state advisory
43 committee for misconduct, incompetence or neglect of duty.

1 (c) (1) A quorum of the state advisory committee shall be ~~six~~ 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, screening, ~~grains, crops,~~ 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 access 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 Russian knapweed (*Centaurea repens*), hoary cress (*Cardaria draba*),
2 Canada thistle (*Cirsium arvense*), quackgrass (*Agropyron repens*), leafy
3 spurge (*Euphorbia esula*), bur ragweed (*Ambrosia grayii*), pignut
4 (*Hoffmannseggia densiflora*), musk (nodding) thistle (*Carduus nutans* L.),
5 Johnson grass (*Sorghum halepense*) and sericea lespedeza (*Lespedeza*
6 *cuneata*). *The provisions of this subsection shall expire on December 31,*
7 *2020.*

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

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

22 (2) *The board of county commissioners shall, for any species of plant*
23 *to be listed as provided in this section that previously has not been listed*
24 *by another county, submit to the secretary for approval official methods*
25 *for the control and eradication of such species of plant. Any county*
26 *subsequently listing the same species of plant shall adopt the official*
27 *methods for the control and eradication of that species of plant as*
28 *approved by the secretary.*

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

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

40 Sec. 7. K.S.A. 2-1314b is hereby amended to read as follows: 2-
41 1314b. (a) The board of county commissioners of any county may declare
42 the multiflora rose (*Rosa multiflora*) or the bull thistle (*Cirsium vulgare*),
43 or both, to be a noxious weed within the boundaries of such county. In

1 such event, all of the provisions of article 13 of chapter 2 of the Kansas
2 Statutes Annotated ~~which, and amendments thereto, that~~ pertain to the
3 control and eradication of noxious weeds shall apply to the control and
4 eradication of the multiflora rose or the bull thistle, or both, within any
5 such county.

6 (b) If the board of county commissioners of any county does not
7 declare the multiflora rose or the bull thistle, or both, to be a noxious weed
8 within the boundaries of such county, a petition requesting the secretary of
9 agriculture to declare the multiflora rose or the bull thistle, or both, to be a
10 noxious weed within the boundaries of such county, signed by not less
11 than 5% of the qualified electors of the county, may be filed with the
12 county election officer of the county. Upon receipt of any such petition, the
13 county election officer shall certify the sufficiency of the petition and
14 submit it to the secretary of agriculture. Thereupon, the secretary of
15 agriculture may declare the multiflora rose or the bull thistle, or both, to be
16 a noxious weed within the boundaries of such county. In such event, all of
17 the provisions of article 13 of chapter 2 of the Kansas Statutes Annotated
18 ~~which, and amendments thereto, that~~ pertain to the control and eradication
19 of noxious weeds shall apply to the control and eradication of the
20 multiflora rose or the bull thistle, or both, within any such county.

21 (c) *The provisions of this section shall expire on December 1, 2020.*

22 Sec. 8. K.S.A. 2017 Supp. 2-1315 is hereby amended to read as
23 follows: 2-1315. (a) The secretary of agriculture is hereby empowered to
24 ~~decide:~~ (1) *Establish and adopt official methods as official for the control*
25 *and eradication of noxious weeds and to publish such methods, and to*
26 ~~make and publish;~~ (2) *adopt* such rules and regulations as in the secretary's
27 judgment are necessary to carry ~~into effect~~ *out* the provisions of this act;
28 ~~and to~~ (3) alter or suspend such rules and regulations when necessary.

29 (b) The secretary of agriculture may establish not to exceed five
30 noxious weed control districts within this state and define the boundaries
31 of such districts. Such districts shall be established to provide for the most
32 efficient control and eradication of noxious weeds and for the most
33 economical supervision by the state. ~~The secretary may designate any~~
34 ~~county as a sericea lespedeza disaster area to provide for the control and~~
35 ~~eradication of sericea lespedeza within such county. The secretary shall~~
36 ~~consult with the board of county commissioners of any county prior to~~
37 ~~designation of such county as a sericea lespedeza disaster area pursuant to~~
38 ~~this subsection.~~

39 (c) The secretary may consult, advise or render assistance to ~~county~~
40 ~~and city~~ weed supervisors as to the best and most practical methods of
41 noxious weed control and eradication. It shall be the duty of the county
42 agricultural agent to cooperate with and assist the ~~county~~ weed supervisors
43 in an intensive educational program on weed control. The secretary of

1 agriculture is hereby authorized to enter into agreements with any agencies
2 of the federal government for cooperation in the control and eradication of
3 noxious weeds in Kansas in keeping with the provisions of this act.

4 Sec. 9. K.S.A. 2017 Supp. 2-1316 is hereby amended to read as
5 follows: 2-1316. (a) *The responsibility for the enforcement of the*
6 *provisions of this act shall be vested in the board of county commissioners*
7 *as to all lands within the boundaries of such county, unless otherwise*
8 *provided for. Cities and townships may enter into an agreement with the*
9 *board of county commissioners to take upon themselves the responsibility*
10 *of the enforcement of the provisions of this act. If, at any time, a board of*
11 *county commissioners determines that a city or township within the*
12 *boundaries of the county that has taken upon itself the responsibility of the*
13 *enforcement of the provisions of this act is unable or unwilling to fulfill*
14 *those responsibilities, the board of county commissioners may revoke the*
15 *agreement and resume the responsibility for the enforcement of the*
16 *provisions of this act.*

17 (b) The board of county commissioners of each county shall, and the
18 governing body of any incorporated city, *township board*, or any group of
19 counties or cities may, employ ~~for a stated time each year~~, with the
20 approval of the secretary of agriculture, a competent person as county,
21 township, city or district weed supervisor.

22 ~~(b)(c)~~ The weed supervisor shall: (1) Consult and cooperate with the
23 state division of noxious weeds and with the assistant weed control
24 director appointed for the supervisor's district, make annual surveys of
25 infestations (compile data on areas eradicated and under treatment), and
26 submit an annual report to the county commissioners and to the state
27 division of noxious weeds, to consult and advise upon *secretary* in all
28 matters pertaining to the best and most practical methods for noxious weed
29 control and eradication ~~and to~~; (2) render every possible assistance and
30 direction for the most effective control and eradication of *noxious weeds*
31 within the *weed supervisor's district jurisdiction*; and (3) investigate or aid
32 in the investigation and prosecution of any violation of this act and report
33 violations of which the *weed supervisor* has knowledge to the county
34 attorney.

35 ~~(e)(d)~~ The salary of the county weed supervisor shall be ~~borne as~~
36 ~~follows: The Kansas department of agriculture to pay not more than one~~
37 ~~fourth thereof from any funds available, not less than three fourths thereof~~
38 ~~to be paid out of the county noxious weed fund or, if the noxious weed~~
39 ~~program is funded primarily through county general funds, the salary~~
40 ~~shall be paid from the county general funds~~, prorated as may be decided at
41 the time of such employment by the governing body or bodies employing
42 such supervisor. *If the noxious weed program is funded from more than*
43 *one source, the salary shall be paid from each source in proportion to its*

1 *contribution to the noxious weed program.*

2 ~~(d)(e) The boards of county commissioners, governing bodies of~~
3 ~~cities and township boards, with the aid of their weed supervisors, shall~~
4 ~~make by February 15th each year an annual weed eradication progress~~
5 ~~report to the secretary of agriculture for the preceding calendar year, on a~~
6 ~~form supplied by the secretary, and such other weed reports as established~~
7 ~~by rules and regulations of the secretary of agriculture~~*The weed supervisor*
8 *shall make annual surveys of noxious weed infestations and ascertain the*
9 *approximate amount of land and highways infested with each kind of*
10 *noxious weed and its location in the county not later than October 31 of*
11 *each year. The weed supervisor shall compile data on areas eradicated*
12 *and under treatment and any other data the secretary may deem necessary*
13 *and submit, by March 15 of each year, an annual weed eradication*
14 *progress report for the preceding calendar year to the board of county*
15 *commissioners for their approval and then to the secretary for review. By*
16 *March 15 of each year, the weed supervisor shall prepare and submit a*
17 *management plan for the coming year to the board of county*
18 *commissioners for approval and to the secretary for review.*

19 Sec. 10. K.S.A. 2017 Supp. 2-1317 is hereby amended to read as
20 follows: 2-1317. ~~The secretary of agriculture or the secretary's duly~~
21 ~~authorized representative and the local district or county weed supervisor~~
22 ~~shall confer, at such time or times as seems necessary and advisable, with~~
23 ~~persons and associations of persons, the secretary of transportation, the~~
24 ~~board boards of county commissioners, the township boards or other~~
25 ~~boards and the, school boards, drainage boards, governing body bodies of~~
26 ~~cities, railroad companies and other transportation companies or other~~
27 ~~corporations, or their authorized agents, and those supervising state-owned~~
28 ~~lands, as to the extent of noxious weed infestation on their lands, and the~~
29 ~~control methods deemed best suited to the control and eradication of each~~
30 ~~kind of noxious weeds within their respective jurisdictions. The county~~
31 ~~commissioners and the governing body of cities, shall report to the~~
32 ~~secretary of agriculture as to the extent and the official methods of control~~
33 ~~and eradication of noxious weeds to be undertaken in any one season in~~
34 ~~their jurisdiction, subject to the approval of the secretary.~~

35 Sec. 11. K.S.A. 2017 Supp. 2-1318 is hereby amended to read as
36 follows: 2-1318. ~~The county weed supervisor of each county is hereby~~
37 ~~directed and it shall be the duty of the county weed supervisor to ascertain~~
38 ~~each year the approximate amount of land and highways infested with~~
39 ~~each kind of noxious weeds and its location in the county, and transmit~~
40 ~~such information tabulated by cities and townships not later than June 1 of~~
41 ~~each year, to the secretary of agriculture, board of county commissioners,~~
42 ~~and to the governing body of each city and township in the district~~
43 ~~pertaining to such noxious weed infestation in their respective jurisdiction.~~

1 ~~(a) On the basis of such information~~ *the annual surveys of infestation*
2 *required by K.S.A. 2-1316, and amendments thereto, the tax levying body*
3 *of each county, township or incorporated city shall either make a tax levy*
4 *each year for the purpose of paying their part of the cost of control and*
5 *eradication thereof as provided in this act and, or set aside a portion of the*
6 *county general fund equivalent to the budget of the noxious weed*
7 *program. In the case of cities and counties, a portion of the lax levy may*
8 *be used to pay a portion of the principal and interest on bonds issued under*
9 *the authority of K.S.A. 12-1774, and amendments thereto, by cities located*
10 *in the county. Each county, city, and township, separately, shall make a*
11 *levy each year for such purpose. Any township or city may budget*
12 *expenditures for noxious weed control within its general operating fund in*
13 *lieu of levying a special tax therefor or maintaining a separate noxious*
14 *weed eradication fund. Moneys collected from such levy, except for an*
15 *amount to pay a portion of the principal and interest on bonds issued under*
16 *the authority of K.S.A. 12-1774, and amendments thereto, by cities located*
17 *in the county, shall be set apart as a noxious weed eradication fund and*
18 *warrants duly verified by the county weed supervisor or city supervisor, if*
19 *such be is employed, or, if no such supervisor be is employed, then by the*
20 *county, township or city clerk, as the case may be, may be drawn against*
21 *this fund for all items of expense incident to control of noxious weeds in*
22 *such district jurisdiction respectively. Any moneys remaining in the*
23 *noxious weed eradication fund at the end of any year for which a levy is*
24 *made under this section may shall either be transferred to the noxious*
25 *weed capital outlay fund for making of capital expenditures incident to the*
26 *control of noxious weeds or remain in the noxious weed eradication fund*
27 *for use in the next year.*

28 *(b) All records relating to funds received into and spent from both the*
29 *noxious weed eradication fund and the noxious weed capital outlay fund*
30 *shall be retained by the county for at least five years and shall be made*
31 *available to the secretary upon request.*

32 Sec. 12. K.S.A. 2017 Supp. 2-1319 is hereby amended to read as
33 follows: 2-1319. (a) **(1)** The cost of controlling and eradicating noxious
34 weeds on all lands or highways owned or supervised by a state agency,
35 department or commission shall be paid by the state agency, department or
36 commission supervising such lands or highways from funds appropriated
37 to its use; on county lands and county roads, on township lands and
38 township roads, on city lands, streets and alleys by the county, township or
39 city in which such lands, roads, streets and alleys are located, and from
40 funds made available for that purpose; on drainage districts, irrigation
41 districts, cemetery associations and other political subdivisions of the state,
42 the costs shall be paid from their respective funds made available for the
43 purpose.

1 (2) If the governing body of any political subdivision owning or
2 supervising lands infested with noxious weeds within their jurisdiction
3 fails to control such noxious weeds after 15 days' notice directing any such
4 body to do so **without submitting a plan to the board of county**
5 **commissioners detailing how and when the noxious weed control will**
6 **be carried out**, the board of county commissioners shall proceed to have
7 ~~proper official methods for the~~ control and eradication ~~methods~~ used upon
8 such lands, and shall notify the governing body of the political subdivision
9 by certified mail of the costs of such operations, with a demand for
10 payment. The governing body of the political subdivision shall pay such
11 costs from its noxious weed fund, or if no such fund is available, from its
12 general fund or from any other funds available for such purpose. *A copy of*
13 *the statement, together with proof of notification, shall at the same time be*
14 *filed with the county clerk, and if the amount is not paid within 30 days,*
15 *such clerk shall spread the amount upon the tax roll of the political*
16 *subdivision, and such amount shall become a lien against the entire*
17 *territory located within the particular political subdivision, and shall be*
18 *collected as other taxes are collected.*

19 (b) All moneys collected pursuant to this section shall be paid into the
20 county noxious weed eradication fund, *or if the noxious weed program is*
21 *funded primarily through the county general fund, such moneys shall be*
22 *paid into the county general fund. If the noxious weed program is funded*
23 *from more than one source, all moneys collected pursuant to this section*
24 *shall be paid into each source in proportion to its contribution to the*
25 *noxious weed program.*

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

31 ~~(d) On all other lands the owner thereof shall pay the cost of control~~
32 ~~and eradication of noxious weeds. Except as provided in K.S.A. 2-1333,~~
33 ~~and amendments thereto, chemical materials for use on privately owned~~
34 ~~lands may be purchased from the board of county commissioners at a price~~
35 ~~fixed by the board of county commissioners which shall be in an amount~~
36 ~~equal to not less than 50% nor more than 75% of the total cost incurred by~~
37 ~~the county in purchasing, storing and handling such chemical materials.~~
38 ~~However, once the tax levying body of a county, city or township has~~
39 ~~authorized a tax levy of 1.5 mills or more, the board of county~~
40 ~~commissioners may collect from the owner of privately owned lands an~~
41 ~~amount equal to 75% but not more than 100% of the total cost incurred by~~
42 ~~the county in purchasing, storing and handling of chemical materials used~~
43 ~~in the control and eradication of noxious weeds on such privately owned~~

1 lands. Whenever official methods of eradication, adopted by the secretary
2 of agriculture, are not followed in applying the chemical materials so
3 purchased, the board of county commissioners may collect the remaining
4 portion of the total cost thereof.

5 Sec. 13. K.S.A. 2-1320 is hereby amended to read as follows: 2-1320.
6 In case the ~~county weed supervisor or city weed supervisor~~ enters upon
7 land or furnishes weed control materials pursuant to a contract or an
8 agreement with an owner, operator or supervising agent of noxious weed
9 infested land for the control of such noxious weeds and, as a result of such
10 weed control methods, there are any unpaid accounts outstanding by
11 December 31 of each year, the *board of* county commissioners or
12 governing body of the city shall immediately notify or cause to be notified,
13 such owner with an itemized statement as to the cost of material, labor and
14 use of equipment and further stating that if the amount of such statement is
15 not paid to the county or city treasurer wherein such real estate is located
16 within 30 days from the date of such notice, a penalty charge of 10% of the
17 amount remaining unpaid shall be added to the account and the total
18 amount thereof shall become a lien upon such real estate. The unpaid
19 balance of such account and such penalty charge shall draw interest from
20 the date of entering into such contract at the rate prescribed for delinquent
21 taxes pursuant to K.S.A. 79-2004, and amendments thereto. A copy of the
22 statement, together with proof of notification, shall at the same time be
23 filed with the register of deeds in such county and the county or city clerk,
24 as the case may be, and if such amount is not paid within the next 30 days
25 the county or city clerk, as the case may be, shall spread the amount of
26 such statement upon the tax roll prepared by the clerk and such amount
27 shall become a lien against the entire contiguous tract of land owned by
28 such person or persons of which the portion so treated is all or a part, and
29 shall be collected as other taxes are collected, and all moneys so collected
30 shall be paid into the noxious weed eradication fund, ~~except that not more~~
31 ~~than 5% of the assessed valuation of the entire contiguous tract of land of~~
32 ~~which the portion so treated is all or a part shall be spread on the tax rolls~~
33 ~~against such land in any one year or, if the noxious weed program is~~
34 ~~funded primarily through the county general fund, such moneys shall be~~
35 ~~paid into the county general fund. If the noxious weed program is funded~~
36 ~~from more than one source, all moneys collected pursuant to this section~~
37 ~~shall be paid into each source in proportion to its contribution to the~~
38 ~~noxious weed program.~~ If any land subject to a lien imposed under this
39 section is sold or transferred, the entire remaining unpaid balance of such
40 account plus any accrued interest and penalties shall become due and
41 payable prior to the sale or transfer of ownership of the property, and upon
42 collection shall be paid to the noxious weed eradication fund *or, if the*
43 *noxious weed program is funded primarily through the county general*

1 *fund, such moneys shall be paid into the county general fund. If the*
2 *noxious weed program is funded from more than one source, all moneys*
3 *collected pursuant to this section shall be paid into each source in*
4 *proportion to its contribution to the noxious weed program.*

5 Sec. 14. K.S.A. 2017 Supp. 2-1322 is hereby amended to read as
6 follows: 2-1322. (a) The board of county commissioners, or the governing
7 body of incorporated cities, cooperating with the secretary of agriculture,
8 shall purchase or provide for needed and necessary equipment and
9 necessary chemical ~~material~~ *materials* for the control and eradication of
10 noxious weeds. The board of county commissioners of any county or the
11 governing body of any city may use any equipment or *apply any chemical*
12 *materials* purchased as provided for in this section, upon the highways,
13 streets and alleys *and county-owned or managed property*, for the
14 treatment and eradication of ~~weeds which species of plants that have not~~
15 ~~been declared noxious by legislative action~~ *weeds*.

16 (b) Except as provided in K.S.A. 2-1333, and amendments thereto,
17 the board of county commissioners shall sell chemical ~~material~~ *materials*
18 to the landowners in ~~their~~ *its* jurisdiction ~~who have been assessed a tax by~~
19 ~~the county~~ at a price fixed by the board of county commissioners ~~which~~
20 ~~shall be in an amount equal to not less than 50% nor more than 75% of the~~
21 ~~total cost incurred by the county in purchasing, storing and handling such~~
22 ~~chemical materials used in the control and eradication of noxious weeds,~~
23 ~~and may make such charge for the use of machines or other equipment and~~
24 ~~operators as may be deemed by them~~ *the board of county commissioners*
25 *sufficient to cover the actual cost of operation. However, once the tax*
26 *levying body of a county, city or township has authorized a tax levy of*
27 *appropriated a budget equivalent to 1.5 mills or more, the board of county*
28 *commissioners may collect from the landowners in their jurisdiction an*
29 *amount equal to 75% but not more than 100% of the total cost incurred by*
30 *the county in purchasing, storing and handling of chemical materials used*
31 *in the control and eradication of noxious weeds.*

32 (c) ~~The board of county commissioners of a county that funds its~~
33 ~~noxious weed program from the county general fund shall sell chemical~~
34 ~~materials to the landowners in its jurisdiction who have been assessed a~~
35 ~~tax by the county at a price fixed by the board of county commissioners in~~
36 ~~an amount equal to not less than 50% nor more than 75% of the total cost~~
37 ~~incurred by the county in purchasing, storing and handling such chemical~~
38 ~~materials used in the control and eradication of noxious weeds, and may~~
39 ~~make such charge for the use of machines or other equipment and the~~
40 ~~operators as may be deemed by the board of county commissioners~~
41 ~~sufficient to cover the actual cost of operation. However, once the tax~~
42 ~~levying body of a county, city or township has appropriated a budget~~
43 ~~equivalent to 1.5 mills or more, the board of county commissioners may~~

1 *collect from the landowners in its jurisdiction an amount equal to 75% but*
 2 *not more than 100% of the total cost incurred by the county in purchasing,*
 3 *storing and handling of chemical materials used in the control and*
 4 *eradication of noxious weeds.*

5 ~~(d)~~ Whenever official methods ~~of~~ *for the control and eradication of*
 6 *noxious weeds* adopted by the secretary ~~of agriculture~~ are not used in
 7 applying the chemical ~~material~~ *materials* purchased, the board of county
 8 commissioners may collect the remaining portion of the total cost thereof
 9 from the landowner.

10 ~~(d)(e)~~(d) The board of county commissioners, township boards, and
 11 the governing body of cities shall keep a record showing purchases of
 12 ~~material~~ *chemical materials* and equipment for *the* control and eradication
 13 of noxious weeds. The board of county commissioners and the governing
 14 body of cities shall also keep a complete itemized record showing sales for
 15 cash or charge sales of ~~material~~ *chemical materials* and shall maintain a
 16 record of charges and receipts for use of equipment owned by each county
 17 or city on public and private land. Such records shall be open to inspection
 18 by citizens of Kansas at all times.

19 ~~(f)~~(e) *All moneys collected from the sales of chemical materials and*
 20 *the charges for the use of machines shall be deposited into the noxious*
 21 *weed eradication fund or, if the noxious weed program is funded primarily*
 22 *through the county general fund, such moneys shall be paid into the*
 23 *county general fund. If the noxious weed program is funded from more*
 24 *than one source, all moneys collected pursuant to this section shall be*
 25 *paid into each source in proportion to its contribution to the noxious weed*
 26 *program for the purpose of paying for the purchase of additional chemical*
 27 *materials as provided in this section and for the cost of the control and*
 28 *eradication of noxious weeds as provided in this act.*

29 Sec. 15. K.S.A. 2-1323 is hereby amended to read as follows: 2-1323.
 30 Any person, association of persons, corporation, county or city or other
 31 official who shall **knowingly** violate or fail to comply with any of the
 32 provisions of this act ~~and acts amendatory thereof or supplemental thereto~~
 33 ~~or the rules and regulations adopted pursuant to this act~~ shall be deemed
 34 guilty of a *class C nonperson* misdemeanor and ~~shall be punished,~~ upon
 35 conviction ~~thereof,~~ shall be punished by a fine of ~~\$100-\$200~~ **\$100** per day
 36 for each day of noncompliance ~~up to a maximum fine of \$1,500 or each~~
 37 **violation up to a maximum fine of \$1,500.**

38 Sec. 16. K.S.A. 2-1330 is hereby amended to read as follows: 2-1330.
 39 **(a) Subject to subsection (b),** *the boards of county commissioners,*
 40 *township boards, state and city officials* ~~and state, county and city,~~ weed
 41 *supervisors or any city, township, county or state employee so authorized*
 42 *shall have at all reasonable times, free access to enter upon such premises*
 43 ~~and,~~ *without interference or obstruction to inspect property, both real and*

1 personal, regardless of location, in connection with the administration of
 2 ~~the state weed law this act. Entry upon such premises in accordance with~~
 3 ~~this act shall not be deemed a trespass.~~

4 **(b) Any individual conducting an inspection pursuant to**
 5 **subsection (a) upon private property shall, before or immediately**
 6 **upon entering any such premises:**

7 **(1) Attempt to notify, if practicable, the owner, operator or lessee**
 8 **of the premises of the purpose for the inspection; and**

9 **(2) allow any such present and notified owner, operator or lessee**
 10 **of the premises, or any representative thereof, to accompany the**
 11 **individual conducting the inspection.**

12 Sec. 17. K.S.A. 2017 Supp. 2-1331 is hereby amended to read as
 13 follows: 2-1331. (a) When a ~~county~~ weed supervisor has knowledge that
 14 any land in the ~~weed supervisor's county~~ jurisdiction is infested, in any
 15 current year, with any noxious weed, the ~~weed~~ supervisor shall give notice,
 16 by publication of a general notice in the official county newspaper
 17 pursuant to subsection (b) or an official notice by mail, of such infestation
 18 to the person, association of persons, governmental agency, corporation or
 19 agent thereof, ~~which that owns the land. As used in this section,~~
 20 ~~governmental agency means the state or any agency or political~~
 21 ~~subdivision thereof or the government of the United States or any agency~~
 22 ~~or instrumentality thereof.~~ In the event the land is under the control or
 23 supervision of an operator or supervising agent, the notice shall also be
 24 mailed to the operator or supervising agent. Such notice shall contain the
 25 ~~procedures described in the Kansas official methods and regulations for~~
 26 ~~the control and eradication of any noxious weed adopted by the secretary~~
 27 ~~for the control and eradication of the noxious weeds that the weed~~
 28 ~~supervisor found on the land and shall also contain a specified time within~~
 29 ~~which the owner, operator or supervising agent shall complete the required~~
 30 ~~treatment for the control or eradication of any such noxious weed.~~

31 ~~(b) On or before March 1 of each year, the secretary of agriculture~~
 32 ~~shall notify in writing each county weed supervisor of a general notice of~~
 33 ~~noxious weed infestation, as established by rules and regulations. On or~~
 34 ~~before April 1 of each year, the county weed supervisor may publish in the~~
 35 ~~official county newspaper the general notice of noxious weed infestation,~~
 36 ~~which shall remain in effect until March 31 of the following year. The cost~~
 37 ~~of such publication shall be paid from the noxious weed eradication fund~~
 38 ~~or, if the noxious weed program is funded primarily through the county~~
 39 ~~general fund, the cost shall be paid from the county general fund. If the~~
 40 ~~noxious weed program is funded from more than once source, the cost~~
 41 ~~shall be paid from each source in proportion to its contribution to the~~
 42 ~~noxious weed program.~~

43 (c) If an inspection; by the ~~county~~ weed supervisor, made on or after

1 the completion date stated in the official notice prescribed under
2 subsection (a) or publication of the general notice under subsection (b),
3 reveals satisfactory treatment progress has not been made, the ~~county~~ weed
4 supervisor may send, by certified mail, to the owner and to the operator or
5 supervising agent of the noxious weed infested land, a legal notice as
6 described in subsection (e).

7 (d) In the event the ~~county~~ weed supervisor determines that musk
8 thistle plants ~~which that~~ are found on land in the *weed* supervisor's ~~county~~
9 *jurisdiction* have reached a stage of maturity where ~~weed control methods~~
10 ~~applied currently~~ *the official methods for control and eradication* would
11 not give satisfactory results, the supervisor may give legal notice requiring
12 fall treatment to be performed in the current year.

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

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

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

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

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

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

26 (6) ~~a statement that unless the owner, operator or supervising agent~~
27 ~~completes the required noxious weed control methods within the specified~~
28 ~~time, the county weed supervisor may enter or cause to be entered upon~~
29 ~~the noxious weed infested land as often as is necessary and use such~~
30 ~~approved methods as are best adapted for the eradication and control of~~
31 ~~noxious weeds on the particular area of land;~~

32 (7) ~~a statement to inform the owner, operator or supervising agent~~
33 ~~that they may be prosecuted pursuant to K.S.A. 2-1323, and amendments~~
34 ~~thereto, and if convicted, fined as established by law~~*The secretary shall*
35 *adopt rules and regulations establishing requirements for the legal notice*
36 *to be given to the owner and to the operator or supervising agent of any*
37 *noxious weed infested land.*

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

42 Sec. 18. K.S.A. 2-1332 is hereby amended to read as follows: 2-1332.
43 In the event the ~~county~~ weed supervisor enters or causes entry upon land to

1 control any noxious weed infestation, after service of legal notice, such
2 supervisor shall immediately, *after completion of the control operation*,
3 notify or cause to be notified, by certified mail, the owner of such land
4 with an itemized statement of the costs of treatment. Such costs of
5 treatment shall include the total cost of ~~material~~ *chemical materials*, labor
6 and use of equipment. Such statement shall include a penalty charge of
7 10% of the total amount of treatment costs. The unpaid balance of any
8 such treatment costs including such penalty charge shall draw interest from
9 the date of treatment at the rate prescribed for delinquent taxes pursuant to
10 K.S.A. 79-2004, and amendments thereto. A copy of such statement,
11 together with proof of notification, shall at the same time be filed with the
12 register of deeds in such county and the county clerk, and if such amount
13 is not paid within 30 days from the date of mailing of such notice, the
14 county clerk shall record the amount of such statement upon the tax roll
15 prepared by such county clerk and such amount shall become a lien
16 against the entire contiguous tract of land owned by such person or
17 persons of which the portion so treated is all or a part, and shall be
18 collected as other taxes are collected and all moneys so collected shall be
19 paid into the noxious weed eradication fund *or, if the noxious weed*
20 *program is funded primarily through the county general fund, such*
21 *moneys shall be paid into the county general fund. If the noxious weed*
22 *program is funded from more than one source, all moneys collected*
23 *pursuant to this section shall be paid into each source in proportion to its*
24 *contribution to the noxious weed program, except that not more than*~~10%~~
25 *50% of the*~~assessed valuation~~ *cost of treating the portion of the entire*
26 *contiguous tract of land of which the portion so treated is all or a part, as*
27 *described and defined in the legal notice as provided in K.S.A. 2-1331,*
28 *and amendments thereto, shall be recorded on the tax rolls against such*
29 *land in any one year. The board of county commissioners may, after*
30 *discussion with the landowner in question, develop a payment plan for the*
31 *payment of the full amount of the lien over time. If, for any reason, the*
32 *landowner should fail to fulfill the terms of such agreement, the board of*
33 *county commissioners may collect the remainder of the amount owed as*
34 *provided in K.S.A. 2-1320, and amendments thereto. All moneys collected*
35 *through a payment plan shall be deposited with the county treasurer for*
36 *credit to the county noxious weed eradication fund or, if the noxious weed*
37 *program is funded primarily through the county general fund, such*
38 *moneys shall be paid into the county general fund. If the noxious weed*
39 *program is funded from more than one source, all moneys collected*
40 *pursuant to this section shall be paid into each source in proportion to its*
41 *contribution to the noxious weed program. If any land subject to a lien*
42 *imposed under this section is sold or transferred, the entire remaining*
43 *unpaid balance of such account plus any accrued interest and penalties*

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 Supp. 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.