

## Senate Substitute for HOUSE BILL No. 2479

By Committee on Natural Resources

3-21

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1 AN ACT concerning agriculture; relating to noxious weeds; counties; state  
2 agencies; amending K.S.A. 2015 Supp. 2-1314 and 2-1319 and  
3 repealing the existing sections.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2015 Supp. 2-1314 is hereby amended to read as  
7 follows: 2-1314. (a) It shall be the duty of persons, associations of persons,  
8 the secretary of transportation, the boards of county commissioners, the  
9 township boards, school boards, drainage boards, the governing body of  
10 incorporated cities, railroad companies and other transportation companies  
11 or corporations or their authorized agents and those supervising state-  
12 owned lands to control the spread of and to eradicate all weeds declared by  
13 legislative action to be noxious on all lands owned or supervised by them  
14 and to use such methods for that purpose and at such times as are approved  
15 and adopted by the Kansas department of agriculture. The term noxious  
16 weeds shall mean kudzu (*Pueraria lobata*), field bindweed (*Convolvulus*  
17 *arvensis*), Russian knapweed (*Centaurea repens*), hoary cress (*Cardaria*  
18 *draba*), Canada thistle (*Cirsium arvense*), quackgrass (*Agropyron repens*),  
19 leafy spurge (*Euphorbia esula*), bur ragweed (*Ambrosia grayii*), pignut  
20 (*Hoffmannseggia densiflora*), musk (nodding) thistle (*Carduus nutans* L.),  
21 Johnson grass (*Sorghum halepense*) and sericea lespedeza (*Lespedeza*  
22 *cuneata*).

23 (b) *If the department of agriculture determines that noxious weeds*  
24 *are not being properly controlled in a county by the board of county*  
25 *commissioners, the department may request that the board of county*  
26 *commissioners take action to control such noxious weeds. If, after such*  
27 *request, the board of county commissions does not take action to control*  
28 *such noxious weeds in the county, the department may take necessary*  
29 *action to control such noxious weeds. The department may then request*  
30 *reimbursement for the cost of controlling such noxious weeds from the*  
31 *county. Upon such request, the county shall reimburse the department.*

32 Sec. 2. K.S.A. 2015 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 *or rights-of-way* owned or supervised by a  
35 state agency, department or commission shall be paid by the state agency,  
36 department or commission supervising such lands ~~or~~, highways *or rights-*

1 *of-way* from funds appropriated to its use; on county lands ~~and~~, county  
2 roads *and county rights-of-way*, on township lands ~~and~~, township roads  
3 *and township rights-of-way*, on city lands, streets, *rights-of-way* and alleys  
4 by the county, township or city in which such lands, roads, streets, *rights-*  
5 *of-way* and alleys are located, and from funds made available for that  
6 purpose; on drainage districts, irrigation districts, cemetery associations  
7 and other political subdivisions of the state, the costs shall be paid from  
8 their respective funds made available for the purpose.

9 (2) *If any state agency, department or commission fails to control or*  
10 *submit a plan to the board of county commissioners to control noxious*  
11 *weeds on any lands, highways, or rights-of-way owned or supervised by*  
12 *such agency after 15 days' notice by the board of county commissioners*  
13 *directing such agency to do so, the board of county commissioners shall*  
14 *proceed to have proper control and eradication methods used upon such*  
15 *lands and shall notify the agency by certified mail of the total cost of such*  
16 *operations with demand for payment. Such agency shall pay 100% of such*  
17 *cost within 30 days after receiving the notification of cost. If such agency*  
18 *does not pay 100% of the cost within 30 days, the county may levy an*  
19 *additional fine of up to 25% of the total cost for every 30 days such costs*  
20 *are not paid by such agency.*

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

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

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

43 (d) On all other lands the owner thereof shall pay the cost of control

1 and eradication of noxious weeds. Except as provided in K.S.A. 2-1333,  
2 and amendments thereto, chemical materials for use on privately owned  
3 lands may be purchased from the board of county commissioners at a price  
4 fixed by the board of county commissioners which shall be in an amount  
5 equal to not less than 50% nor more than 75% of the total cost incurred by  
6 the county in purchasing, storing and handling such chemical materials.  
7 However, once the tax levying body of a county, city or township has  
8 authorized a tax levy of 1.5 mills or more, the board of county  
9 commissioners may collect from the owner of privately owned lands an  
10 amount equal to 75% but not more than 100% of the total cost incurred by  
11 the county in purchasing, storing and handling of chemical materials used  
12 in the control and eradication of noxious weeds on such privately owned  
13 lands. Whenever official methods of eradication, adopted by the secretary  
14 of agriculture, are not followed in applying the chemical materials so  
15 purchased, the board of county commissioners may collect the remaining  
16 portion of the total cost thereof.

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

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