

Withdrawn

Proposed Amendments for SB 117  
Senate Committee on Agriculture  
and Natural Resources  
Rights-of-Way  
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Office of Revisor of Statutes  
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Session of 2017

**SENATE BILL No. 117**

By Committee on Agriculture and Natural Resources

2-1

1 AN ACT concerning agriculture; relating to noxious weeds; declaration by  
2 county commissioners; amending K.S.A. 2-1314b and repealing the  
3 existing section.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2-1314b is hereby amended to read as follows: 2-  
7 1314b. (a) The board of county commissioners of any county may declare  
8 the multiflora rose (*Rosa multiflora*) ~~or~~, the bull thistle (*Cirsium vulgare*),  
9 ~~or both~~, ~~the wild blackberry~~ (*Rubus genera*) to be a noxious weed within  
10 the boundaries of such county. In such event, all of the provisions of article  
11 13 of chapter 2 of the Kansas Statutes Annotated ~~which~~, ~~and amendments~~  
12 ~~thereto~~, that pertain to the control and eradication of noxious weeds shall  
13 apply to the control and eradication of the multiflora rose ~~or~~, the bull  
14 thistle; ~~or both~~; ~~the wild blackberry~~ within any such county.

15 (b) If the board of county commissioners of any county does not  
16 declare the multiflora rose ~~or~~, the bull thistle; ~~or both~~; ~~the wild blackberry~~  
17 to be a noxious weed within the boundaries of such county, a petition  
18 requesting the secretary of agriculture to declare the multiflora rose ~~or~~ the  
19 bull thistle; ~~or both~~; ~~the wild blackberry~~ to be a noxious weed within the  
20 boundaries of such county, signed by not less than 5% of the qualified  
21 electors of the county, may be filed with the county election officer of the  
22 county. Upon receipt of any such petition, the county election officer shall  
23 certify the sufficiency of the petition and submit it to the secretary of  
24 agriculture. Thereupon, the secretary of agriculture may declare the  
25 multiflora rose ~~or~~, the bull thistle; ~~or both~~; ~~the wild blackberry~~ to be a  
26 noxious weed within the boundaries of such county. In such event, all of  
27 the provisions of article 13 of chapter 2 of the Kansas Statutes Annotated  
28 ~~which~~, ~~and amendments thereto~~, that pertain to the control and eradication  
29 of noxious weeds shall apply to the control and eradication of the  
30 multiflora rose ~~or~~, the bull thistle; ~~or both~~; ~~the wild blackberry~~ within any  
31 such county.

32 Sec. 2. ~~[K.S.A. 2-1314b is]~~ hereby repealed.

33 Sec. 3. This act shall take effect and be in force from and after its  
34 publication in the statute book.

See attached.

and K.S.A. 2016 Supp. 2-1318 and 2-1319 are

**2-1318.** The county weed supervisor of each county is hereby directed and it shall be the duty of the county weed supervisor to ascertain each year the approximate amount of land and highways *and rights-of-way* infested with each kind of noxious weeds and its location in the county, and transmit such information tabulated by cities and townships not later than June 1 of each year, to the secretary of agriculture, board of county commissioners, and to the governing body of each city and township in the district pertaining to such noxious weed infestation in their respective jurisdiction. On the basis of such information the tax levying body of each county, township or incorporated city shall make a tax levy each year for the purpose of paying their part of the cost of control and eradication thereof as provided in this act and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. Each county, city, and township, separately, shall make a levy each year for such purpose. Any city may budget expenditures for weed control within its general operating fund in lieu of levying a special tax therefor or maintaining a separate noxious weed eradication fund. Moneys collected from such levy, except for an amount to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, shall be set apart as a noxious weed eradication fund and warrants duly verified by the county or city supervisor if such be employed or if no supervisor be employed, then by county, township or city clerk, as the case may be, may be drawn against this fund for all items of expense incident to control of noxious weeds in such district respectively. Any moneys remaining in the noxious weed eradication fund at the end of any year for which a levy is made under this section may be transferred to the noxious weed capital outlay fund for making of capital expenditures incident to the control of noxious weeds.

**Sec. 3. 2-1319.** (a) The cost of controlling and eradicating noxious weeds on all lands or highways *rights-of-way* owned or supervised by a state agency, department or commission shall be paid by the state agency, department or commission supervising such lands or highways *rights-of-way* from funds appropriated to its use; on county lands and *county rights-of-way* and county roads, on township lands and *township rights-of-way* and township roads, on city lands, streets, *rights-of-way* and alleys by the county, township or city in which such lands, roads, streets, *rights-of-way* and alleys are located, and from funds made available for that purpose; on drainage districts, irrigation districts, cemetery associations and other political subdivisions of the state, the costs shall be paid from their respective funds made available for the purpose. If the governing body of any political subdivision owning or supervising lands infested with noxious weeds within their jurisdiction fails to control such noxious weeds after 15 days' notice directing any such body to do so, the board of county commissioners shall proceed to have proper control and eradication methods used upon such lands, and shall notify the governing body of the political subdivision by certified mail of the costs of such operations, with a demand for payment. The governing body of the political subdivision shall pay such costs from its noxious weed fund, or if no such fund is available, from its general fund or from any other funds available for such purpose. Copy of the statement, together with proof of notification, shall at the same time be filed with the county clerk, and if the amount is not paid within 30 days, such clerk shall spread the amount upon the tax roll of the subdivision, and such amount shall become a lien against the entire territory located within the particular political subdivision, and shall be collected as other taxes are collected.

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

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

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