

Rights and Responsibilities  
as Mandated by the  
Kansas Noxious Weed Act  
(K.S.A. 2-1313a et. seq.)  
and the  
Kansas Administrative Regulations  
(K.A.R. 4-8-13 et. seq.)

A summary of the Kansas Noxious Weed Law as it affects  
State and Local Governments and the Private Landowner.

April 27, 2021

Kansas Department of Agriculture  
Plant Protection and Weed Control  
Noxious Weed Program  
and the  
County Weed Director's Association of Kansas

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Note: The statements in the main body of this document are summarizations of the provisions of the Noxious Weed Act and the regulations promulgated from it. For the actual statute and regulatory language, refer to Appendices A and B.

## **KANSAS NOXIOUS WEEDS**

### **Designated Noxious Weeds**

- 1) "Noxious weed" is defined as any species of plant that the Secretary of Agriculture declares to be a noxious weed in rules and regulations.  
(K.S.A. 2-1313a)

- 2) "Category A Noxious Weeds", are weed species that are generally not found or that are found limited in distribution throughout the state and shall be subject to exclusion from the state or active eradication wherever detected statewide in order to protect neighboring lands and the state as a whole.

Hoary cress	Lepidium draba L.
Leafy spurge	Euphorbia virgata Waldst. & Kit.
Quackgrass	Elymus repens (L.) Gould
Russian knapweed	Rhaponticum repens (L.) Hidalgo
Kudzu	Pueraria montana var. lobata (Willd.) Maesen & S.M. Almeida ex Sanjapp & Predeep

- 3) "Category B Noxious Weeds", are weed species with discrete distributions that shall be subject to control in portions of the state where populations have become established and active eradication wherever they are not established.

Canada thistle	Cirsium arvense (L.) Scop.
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- 4) "Category C Noxious Weeds", are well-established weed species that are known to exist in larger or more extensive populations in the state. Control efforts shall be directed at reducing or eliminating new populations while known and established populations shall be managed by any approved control method.

Field bindweed	Convolvulus arvensis L.
Musk thistle	Carduus nutans L.
Sericea lespedeza	Lespedeza cuneata (Dum. Cours.) G. Don)
Johnsongrass	Sorghum halepense (L.) Pers.
Bur ragweed	Ambrosia grayii (A. Nelson) Shinnars

- 1) A Weed Director can require the most stringent control measures specified in the tiered noxious weed list for any noxious weed, if the Weed Director decides that it is necessary to do so based on the results of the annual weed survey. In other words,
- A Category C noxious weed can be treated as a Category B or Category A weed.
  - A Category B noxious weed can be treated as a Category A weed.
  - Weeds cannot be moved "down" in category.
- (K.A.R. 4-8-44)

### **County Option Weeds**

- 1) In addition to the statewide noxious weeds, a Board of County Commissioners may, with the approval of the Secretary, designate a list of noxious weed species in their county.
- 2) For any species of plant, the Board of County Commissioners lists as noxious that has not previously been listed by another county, must develop official methods for the control and eradication for that species and submit it to the Secretary of Agriculture for approval. Any county subsequently listing the same species of plant must adopt the official methods for the control and eradication of that species of plant as approved by the Secretary or may add control methods to those already approved and submit them to the Secretary for approval. If the Secretary approves the additional control methods, they will 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 statewide noxious weed by the Secretary, the official methods for the control and eradication adopted by the Secretary will replace any methods previously adopted by the board of county commissioners.
- 4) Cost share chemicals will be made available for the control and eradication of any noxious weed listed by a Board of County Commissioners and approved by the Secretary.  
(2-1314)

## **Kansas Department of Agriculture**

### **Listing Noxious Weeds**

- 1) The Secretary of Agriculture will adopt rules and regulations to declare species of plants as noxious weeds in the state.
  - a. Once a species of plant has been declared to be a noxious weed, it will be considered a noxious weed in every county of the state.
  - b. The Secretary will not declare any species of plant to be a noxious weed without the recommendation of the state advisory committee, except under an emergency declaration.
  - c. Before adopting rules and regulations declaring species of plants noxious weeds, the Secretary will prepare a report discussing the proposed changes to the official list of noxious weeds.
    - i. The report will include information regarding the Secretary's proposed addition to or removal from, the official list.
    - ii. The Secretary will submit this report to the legislature prior to adopting the rules and regulations.

### **Duties**

- 1) The Secretary of Agriculture is empowered to
  - a. develop and adopt official methods for the control and eradication of each of the declared noxious weeds
  - b. make and publish such rules and regulations as in the Secretary's judgment are necessary to carry into effect the provisions of this act,
  - c. alter or suspend such rules and regulations when necessary.  
(K.S.A. 2-1315)
  
- 1) The Secretary of Agriculture may establish no more than five noxious weed control districts within this state and define the boundaries of such districts.
  - a. These districts will be established to provide for the most efficient control and eradication of noxious weeds and for the most economical supervision by the state.  
(K.S.A. 2-1315)
  
- 2) The Secretary may consult, advise or render assistance to county and city Weed Directors as to the best and most practical methods of noxious weed control and eradication.  
(K.S.A. 2-1315)
  
- 3) The Secretary of Agriculture can enter into agreements with any federal agency of for assistance in the control and eradication of noxious weeds in Kansas, in keeping with the provisions of this act.  
(K.S.A. 2-1315)
  
- 4) The Secretary of Agriculture will adopt rules and regulations establishing requirements for the legal notice to be given to the owner and to the operator or supervising agent of any noxious weed infested land.  
(K.S.A. 2-1331)

### **Conferences**

- 1) The Secretary of Agriculture or the Secretary's duly authorized representative and the County Weed Director will meet, when and as often, as is necessary and advisable, with:
  - a. persons and associations of persons,
  - b. the Secretary of Transportation,
  - c. the Board of County Commissioners,
  - d. the township boards or other boards and the governing body of cities,
  - e. railroad companies or other corporations, or their authorized agents,(K.S.A. 2-1317)
- 2) They will meet to discuss the extent of noxious weed infestation on their lands, and the methods deemed best suited to the control and eradication of each kind of noxious weeds within their respective jurisdictions.  
(K.S.A. 2-1317)

### **Private Land Access**

- 1) The State Weed Specialist, or other authorized state employee, can, during normal business hours, enter upon land to inspect property in order to locate, identify and control weeds and to enforce the noxious weed law.
  - a. If conducting an inspection, the state employee must attempt to notify, if practicable, the owner, operator or lessee of the property of the purpose for the inspection and allow them to accompany the state employee during the inspection.  
(K.S.A. 2-1330)

### **County Option Listing**

- 1) The Secretary may approve the listing of the species of plants a Board of County Commissioners may require to be controlled in the county.  
(K.S.A. 2-1314)

### **Emergency Declaration**

- 1) The Secretary may make an emergency declaration of noxious weeds if:
  - a. A new and potentially harmful species of plant is discovered growing in the state and is verified by the Secretary or the state is facing a potential influx of a harmful species of plant as the result of a natural disaster.
    - i. Secretary must consider that species noxious and take every action and use any means available to control or eradicate it.
    - ii. The Secretary cannot make an emergency declaration for the same species of plant more than once in a five-year period without the recommendation of the state advisory committee.
    - iii. The emergency declaration of a noxious weed will remain in effect for 18 months, or until the Secretary to declare that species a noxious weed, or until the Secretary rescinds the emergency declaration.  
(K.S.A. 2-1314c)

### **Approval of Employment**

- 1) The Secretary of Agriculture may conditionally approve an individual seeking employment as a Weed Director if the individual has education, training, or experience sufficient to allow the individual to carry out the employment duties of a Weed Director.  
(K.A.R. 4-8-38)
  
- 2) The Secretary of Agriculture may issue final approval of the employment of an individual who has been conditionally approved to be employed as a Weed Director after the individual has met the following requirements:
  - a. Obtained certification as a pesticide applicator in Category 9A, noxious weed control.
  - b. Successfully completed the Noxious Weed Basic Short Course offered by the Kansas Department of Agriculture, Kansas State University Research and Extension, and the Weed Directors Association of Kansas.  
(K.A.R. 4-8-38)
  
- 3) Approval of the employment of each individual previously approved for employment as a Weed Director may be renewed by the Secretary of Agriculture on or before January 1 of each year if the individual meets the following requirements:
  - a. Is still employed as a Weed Director by the same county when renewal is sought.
  - b. Is still certified as a pesticide applicator in Category 9A.
  - c. Has timely filed the Annual Weed Eradication Progress Report, the Management Plan and any other records or reports requested by the Secretary.  
(K.A.R. 4-8-38)
  
- 4) Approval of the employment of any Weed Director shall be withdrawn by the Secretary of Agriculture if the Weed Director has failed, without just cause, to maintain certification as a pesticide applicator in Category 9A or complete the Noxious Weed Basic Short Course.  
(K.A.R. 4-8-38)



## **State Noxious Weed Advisory Committee**

### **Duties**

- 1) The state advisory committee will, among other duties assigned by the Secretary of Agriculture:
  - a. Review the state weed management plan every five years and recommend changes and updates to the Secretary of Agriculture.
  - b. Recommend the designation and classification of noxious weeds through the use of a risk assessment designated by the Secretary of Agriculture
  - c. Review the Noxious Weed Act and the Administrative Rules and Regulations of the Secretary of Agriculture declaring noxious weeds at least every four years and recommend changes to the Secretary.
  - d. Review the Official Methods for the Control and Eradication for each species of plant declared noxious and recommend changes to the Secretary of Agriculture that include both chemical and non-chemical options for control and eradication.
  - e. Before January 1 of each odd-numbered year, report to the Secretary of Agriculture on:
    - i. The expenditure of state funds on noxious weed control and how such funds were spent.
    - ii. The status of the state and county noxious weed control programs.
    - iii. Recommendations for the continued best use of state funds for noxious weed control; and
    - iv. Recommendations on long-term noxious weed control needs.  
(K.S.A. 2-1314d)

## **Other State Agencies**

### **Controlling Noxious Weeds**

- 1) The Secretary of Transportation and those supervising state-owned lands are required to control the spread of and to eradicate all noxious weeds on all lands owned or supervised by them.
  - a. They are responsible for using methods and time frames approved and adopted by the Kansas Department of Agriculture.  
(K.S.A. 2-1314)

### **Regulatory Weed Control**

- 1) If state government-owned or managed lands or highways are infested with noxious weeds, the County Weed Director will notify the appropriate agency to control them. If, after 15 days from the notification, the weeds are still present or have not been controlled to the Weed Director's satisfaction, the County Commissioners will have the Weed Director control them. After this regulatory treatment the County Commissioners will send a bill to the state government by certified mail.
  - a. The state government will pay the cost of the treatment from its noxious weed fund, its general fund or from any other funds available.
  - b. A copy of the statement, along with proof of notification, will be filed with the County Clerk, and if it is not paid within 30 days, the amount will be placed on the tax roll, and will become a lien against the entire territory located within the particular political subdivision, and will be collected as other taxes are collected.
  - c. All moneys collected in such an action will be paid into the county noxious weed eradication fund.  
(K.S.A. 2-1319)

### **Education**

- 1) The County Agricultural Agent will help the County Weed Director with an intensive educational program on weed control.  
(K.S.A. 2-1315)

### **Certified Weed Free Forage and Mulch**

- 1) Any and all alfalfa, grass, hay or other forage, straw or mulch carried onto or used for any purpose within the boundaries of any lands owned or managed by the state and its agencies must be certified weed free.  
(K.S.A. 2-1319a)

## **BOARD OF COUNTY COMMISSIONERS**

### **Enforcement Authority**

- 1) The responsibility for the enforcement of the provisions of this act shall be vested in the Board of County Commissioners as to all lands within the boundaries of such county, unless otherwise provided for.  
(K.S.A. 21316)
  
- 2) Cities and townships may enter into an agreement with the Board of County Commissioners to take upon themselves the responsibility of the enforcement of the provisions of this act.
  - a. If, at any time, a Board of County Commissioners determines that a city or township within the boundaries of the county that has taken upon itself the responsibility of the enforcement of the provisions of this act is unable or unwilling to fulfill those responsibilities, the Board of County Commissioners may revoke the agreement and resume the responsibility for the enforcement of the provisions of this act.  
(K.S.A. 2-1316)
  
- 3) 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, the county shall provide 15 days' notice to the political subdivision directing such political subdivision to submit a plan and timeline for controlling such noxious weeds to the Board of County Commissioners or control such noxious weeds.
  - a. If the plan and timeline is deemed unacceptable, the Board of County Commissioners shall notify the political subdivision of requested changes to its plan and timeline required for the Board of County Commissioners to approve such plan and timeline.
  - b. If the political subdivision fails to control such noxious weeds or fails to submit an accepted plan and timeline within such 15 days' notice, the Board of County Commissioners shall proceed to have official methods for the control and eradication 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.
  - c. 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.
  - d. A 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 political 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.  
(K.S.A. 2-1319)

### **Controlling Noxious Weeds**

- 1) The Boards of County Commissioners are required to control the spread of and to eradicate all noxious weeds on all lands owned or supervised by them.
  - a. They are responsible for using methods and time frames approved and adopted by the Secretary of Agriculture.  
(K.S.A. 2-1314)
- 2) If the Board of County Commissioners declares any species of plant to be a county option weeds, they will be required to control the spread of and to eradicate them on all lands owned or supervised by them.
  - a. They are responsible for using methods and time frames approved and adopted by the Secretary of Agriculture.  
(K.S.A. 2-1314b)

### **County Option Weeds**

- 1) In addition to those species of plants declared as statewide noxious weeds, a Board of County Commissioners can, with the approval of the Secretary, publish a list of the species of plants to be controlled in the county.
  - a. Any species of plant so listed shall be considered a noxious weed within the boundaries of that county.  
(K.S.A. 2-1314)
- 2) For any species of plant to be listed that has not previously been listed by another county, the Board of County Commissioners will, submit to the Secretary of Agriculture for approval, official methods for the control and eradication of those species of plant.
  - a. Any county subsequently listing the same species of plant will 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.
  - b. If the Secretary approves the additional control methods, such methods shall be made part of the official control methods available to all counties.  
(K.S.A. 2-1314)
- 2) If any species of plant listed by a Board of County Commissioners of any county is later declared a noxious weed by the Secretary of Agriculture, the official methods for the control and eradication adopted by the Secretary for the control and eradication of such species of plant will take precedence over any methods previously adopted by the Board of County Commissioners.  
(K.S.A. 2-1314)
- 4) Herbicides will be made available for the control and eradication of any species of plant listed by a Board of County Commissioners and approved by the Secretary of Agriculture.  
(K.S.A. 2-1314)

## **Hiring**

- 1) The Board of County Commissioners of each county will employ, with the approval of the Secretary of Agriculture, a Weed Director.  
(K.S.A. 2-1316)
- 2) Each individual hired to serve as a Weed Director will be hired as an employee of the county and not as an independent contractor.
  - a. Any Weed Director serving as an independent contractor as of March 26, 2021, may continue to serve as an independent contractor until the expiration of the current term under that individual's existing contract, which shall not be renewed or extended.  
(K.A.R. 4-8-38)
- 3) Any individual seeking employment as a Weed Director may be conditionally approved for employment by the Secretary if the individual has education, training, or experience sufficient to allow the individual to carry out the employment duties of a Weed Director.  
(K.A.R. 4-8-38)
- 4) Final approval of the employment of each individual who has been conditionally approved to be employed as a county, city, township, or district Weed Director may be issued by the Secretary when the individual has met the following requirements:
  - a. Obtained certification as a pesticide applicator in Category 9A, noxious weed control.
  - b. Successfully completed the noxious weed basic short course offered by the Kansas Department of Agriculture, Kansas State University Research and Extension, and the Weed Directors Association of Kansas.  
(K.A.R. 4-8-38)
- 5) Approval of the employment of each individual previously approved for employment as a county, city, township, or district Weed Director may be renewed by the Secretary on or before January 1 of each year if the individual meets the following requirements:
  - a. Is still employed as a Weed Director by the same county when renewal is sought.
  - b. Is still certified as a pesticide applicator in Category 9A.
  - c. Has timely filed the Annual Weed Eradication Progress Report, the Management Plan and any other records or reports requested by the Secretary of Agriculture.  
(K.A.R. 4-8-38)
- 6) The state's approval of the Weed Director will be withdrawn if the weed director fails to comply with any of these conditions.  
(K.A.R. 4-8-38)

### **Noxious Weed Eradication Fund**

- 1) On the basis of the annual surveys of infestation conducted by the Weed Director, the tax levying body of each county will either make a tax levy each year for the purpose of paying the cost of control and eradication of noxious weeds or set aside a portion of the county general fund equivalent to the budget of the noxious weed program.
  - a. Counties and cities may also pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments. (K.S.A. 2-1318)
  
- 2) Each county will make a levy each year for the purpose of paying the cost of control and eradication of noxious weeds.
  - a. Money collected from this levy will be set apart as a Noxious Weed Eradication Fund and expenses for the control and eradication of noxious weeds, verified by the Weed Director, may be drawn against this fund for all items of expense related to control of noxious weeds in the county.
  - b. Any money remaining in the Noxious Weed Eradication Fund at the end of the year for which a levy is made, will either be:
    - i. Transferred to the Noxious Weed Capital Outlay Fund for making of capital expenditures related to the control of noxious weeds,
    - ii. Or remain in the Noxious Weed Eradication Fund for use in the next year. (K.S.A. 2-1318)
  
- 3) All records relating to funds received into and spent from both the Noxious Weed Eradication Fund and the Noxious Weed Capital Outlay Fund will be retained by the county for at least five years and will be made available to the Secretary of Agriculture upon request. (K.S.A. 2-1318)

### **Weed Control**

(The Kansas Pesticide Law, K.S.A. 2-2438 et. seq., applies to the sale and application of herbicides)

- 1) The Board of County Commissioners, cooperating with the Secretary of Agriculture, will purchase or provide for needed and necessary equipment and necessary herbicides for the control and eradication of noxious weeds.
  - a. The Board of County Commissioners of any county may use this equipment or apply these herbicides, upon the rights-of-way and county-owned or managed property, for the treatment and eradication of species of plants that have not been declared noxious weeds. (K.S.A. 2-1322)

### **County Land**

- 1) The cost of controlling and eradicating noxious weeds on all lands or rights-of-way owned or supervised by the county shall be paid by the county and from funds made available for that purpose. (K.S.A. 2-1319)

### **Sale of Herbicides**

- 1) The Board of County Commissioners will purchase herbicides necessary for the control and eradication of noxious weeds and sell them at cost share prices.  
(K.S.A. 2-1322)

#### **Direct Sales**

- 1) The Board of County Commissioners shall sell herbicides to the landowners in its jurisdiction who have been assessed a tax by the county at a determined, in part, by the amount of tax assessed for the funding of the noxious weed program.
  - a. Between 50% and 75% of the total cost to the county if the tax assessed is equivalent to less than 1.5 mills.
    - i. This cost can include the expenses incurred in purchasing, storing, and handling the herbicides.
  - b. Between 75% and 100% of the total cost to the county if the tax assessed is equivalent to 1.5 mills or more.
    - i. This cost can include the expenses incurred in purchasing, storing, and handling the herbicides.
  - c. The charge for the use of machines or other equipment and operators can be set to cover the actual cost of operation as determined by the Board of County Commissioners.  
(K.S.A. 2-1322)
- 2) The Board of County Commissioners of a county that funds its noxious weed program from the county general fund shall sell herbicides to the landowners in its jurisdiction who have been assessed a tax by the county at a price fixed by the Board of County Commissioners in an amount equal to:
  - a. Between 50% and 75% of the total cost to the county if the noxious weed program has been appropriated a budget equivalent to less than 1.5 mills.
    - i. This cost can include the expenses incurred in purchasing, storing, and handling the herbicides.
  - b. Between 75% and 100% of the total cost to the county if the noxious weed program has been appropriated a budget equivalent to 1.5 mills or more.
    - i. This cost can include the expenses incurred in purchasing, storing, and handling the herbicides.
  - c. The charge for the use of machines or other equipment and operators can be set to cover the actual cost of operation as determined by the Board of County Commissioners.
- 3) If any landowner uses the cost share herbicides for a purpose other than controlling noxious weeds, the Board of County Commissioners can collect the difference between the cost share price and the purchase price from the landowner.  
(K.S.A. 2-1322)

- 4) The Board of County Commissioners will keep a record of:
  - a. Purchases of herbicides and equipment for the control and eradication of noxious weeds.
  - b. An itemized record of sales of herbicides
  - c. Charges and receipts for equipment owned by the county and used on public and private land.
  - d. These records will always be open to inspection.  
(K.S.A. 2-1322)
  
- 5) All money collected from the sales of herbicides and the charges for the use of machines will be deposited into the Noxious Weed Eradication Fund or,
  - a. If the noxious weed program is funded primarily through the county general fund, the money collected from the sales of herbicides and the charges for the use of machines will be paid into the county general fund.
  - b. If the noxious weed program is funded from more than one source, all money collected from the sales of herbicides and the charges for the use of machines will be paid into each source in proportion to its contribution to the noxious weed program
  - c. This is to pay for the purchase of additional herbicides and for the cost of the control and eradication of noxious weeds.  
(K.S.A. 2-1322)

#### **Voucher Sales**

- 1) The Board of County Commissioners can adopt a resolution to authorize a program to provide cost share herbicides to landowners through chemical dealers on a discount basis. Under this program:
  - a. the Weed Director will issue discount vouchers to the landowners before they buy the herbicides from the chemical dealers.
  - b. The landowner will take the vouchers an approved chemical dealer and present them for the purchase of the chemical material.
  - c. The chemical dealer sell the landowner the chemical listed on the voucher for the amount listed on the voucher.
  - d. The dealer will send the voucher and a copy of the sale receipt to the Weed Director.
  - e. The Board of County Commissioners will reimburse the chemical dealers for the amount stated on the voucher.  
(K.S.A. 2-1333)
  
- 2) On January 1 of each year, the Board of County Commissioners will decide the amount of money that will be set aside from the Noxious Weed Fund for the purchase of herbicides used on privately owned lands. The board will also determine the amount they will pay per unit of these herbicides.  
(K.S.A. 2-1333)



- 3) If any landowner uses the cost share herbicides for a purpose other than controlling noxious weeds, the Board of County Commissioners may refuse to pay the discount voucher and the total cost will be paid by the private landowner.  
(K.S.A. 2-1333)
- 4) If the Board of County Commissioners does not authorize the use of vouchers, a petition signed by 5% or more of the voters in the county who voted for the Secretary of state during the last general election. If a petition is submitted:
  - a. The County Election Officer will submit the question at the next state or county-wide regular or special election that occurs more than 60 days after the petition is submitted.
  - b. The County Election Officer will send the results to the Secretary of State who will publish them in the Kansas register.
    - i. If a majority of the votes are against establishing a voucher program, the program will not be established in the county.
    - ii. If a majority of the votes are for establishing a voucher program, the program will be established in the county within 18 months.
    - iii. The election will be conducted, and the votes counted, in the manner provided by law for question-submitted elections of the county, except that the County Election Officer will publish a notice of the election in the official county newspaper once a week for two consecutive weeks. The first publication will be 21 days or more before the election, and the notice will include the date and time of the election and the proposition that will be on the ballot.  
(K.S.A. 2-1333)

### **Equipment Rental**

- 1) The Board of County Commissioners will purchase or provide for needed and necessary equipment for the control and eradication of noxious weeds.
  - a. The charge for the use of machines or other equipment and operators can be set to cover the actual cost of operation as determined by the Board of County Commissioners.  
(K.S.A. 2-1322)

### **Private Land Access**

- 1) County commissioners, or any authorized county employee can, during normal business hours, enter upon land to inspect property in order to locate, identify and control weeds and to enforce the noxious weed law.
  - a. If conducting an inspection, the commissioner or county employee must attempt to notify, if practicable, the owner, operator or lessee of the property of the purpose for the inspection and allow them to accompany the state employee during the inspection.  
(K.S.A. 2-1330)

## **Collection of Debt**

### **Voluntary**

- 1) If the Weed Director sells cost share herbicides or controls the weeds for a landowner under a voluntary agreement with the landowner, and the landowner does not pay the amount owed by December 31,
  - a. The county commissioners will send the landowner an itemized statement of the cost of material, labor and use of equipment.
  - b. They will also inform the landowner that if the amount of is not paid within 30 days a penalty charge of 10% of the unpaid amount will be added to the debt and it will become a lien upon the land.  
(K.S.A. 2-1320)
  
- 2) The unpaid balance of the debt plus the penalty charge will draw interest from the date of service at the rate set for delinquent taxes pursuant to K.S.A. 79-2004.
  - a. A copy of the statement, together with proof of notification will also be filed with the register of deeds and the County Clerk (see Notice and Itemized Statement re K.S.A. 1320, Appendix E),
  - b. If the amount is not paid within 30 days of the date of mailing the notice, the County Clerk will record the amount of such statement on the tax roll,
  - c. The amount will become a lien against the entire parcel of land and will be collected as other taxes are collected
  - d. All money collected will be paid into the Noxious Weed Eradication Fund.
    - i. Or, if the noxious weed program is funded primarily through the county general fund, the money will be paid into the county general fund.
    - ii. If the noxious weed program is funded from more than one source, all of the money collected will be paid into each source in proportion to its contribution to the noxious weed program.  
(K.S.A. 2-1320)
  
- 3) If any land with such a lien is sold, the entire remaining unpaid balance of the account, plus any accrued interest and penalties, will be due before the sale of the property.
  - a. These funds will be paid to the Noxious Weed Eradication Fund.
    - i. Or, if the noxious weed program is funded primarily through the county general fund, the money will be paid into the county general fund.
    - ii. If the noxious weed program is funded from more than one source, all of the money collected will be paid into each source in proportion to its contribution to the noxious weed program.  
(K.S.A. 2-1320)

## **Regulatory**

- 1) If the Weed Director controls a noxious weed infestation after serving a legal notice, the director must immediately after the control operation, notify the owner of the land with an itemized statement of the costs of treatment by certified mail (see Legal Notice, Legal Notice Checklist and Notice and Itemized Statement, re K.S.A. 1332, Appendix E).
  - a. The costs of treatment will include the total cost of material, labor and use of equipment.
  - b. The statement will include a penalty charge of 10% of the total amount of the treatment costs.  
(K.S.A. 2-1332)
  
- 2) The unpaid balance of any treatment costs, including the penalty charge, will draw interest from the date of treatment at the rate set for delinquent taxes pursuant to K.S.A. 79-2004 and amendments.
  - a. A copy of the statement, together with proof of notification will also be filed with the register of deeds and the County Clerk (see Notice and Itemized Statement, re K.S.A. 1332, Appendix E),
  - b. If the amount is not paid within 30 days from the date of mailing of the notice, the County Clerk will record the amount of such statement upon the tax roll,
  - c. The amount will become a lien against the entire contiguous tract of land, and will be collected as other taxes are collected, and
  - d. All money collected will be paid into the Noxious Weed Eradication Fund.
    - i. Or, if the noxious weed program is funded primarily through the county general fund, the money will be paid into the county general fund.
    - ii. If the noxious weed program is funded from more than one source, all of the money collected will be paid into each source in proportion to its contribution to the noxious weed program.  
(K.S.A. 2-1332)
  
- 3) No more than 25% of the cost of treating the infested land described in the legal notice will be collected in any one year.  
(K.S.A. 2-1332)
  
- 4) If any land with such a lien is sold, the entire remaining unpaid balance of the account, plus any accrued interest and penalties, will be due before the sale of the property.
  - a. These funds will be paid to the Noxious Weed Eradication Fund.
    - i. Or, if the noxious weed program is funded primarily through the county general fund, the money will be paid into the county general fund.
    - ii. If the noxious weed program is funded from more than one source, all of the money collected will be paid into each source in proportion to its contribution to the noxious weed program.  
(K.S.A. 2-1332)

### **Service of Regulatory Documents**

- 1) All of the notices and statements required by K.S.A. 2-1320 will be considered to be served when delivered to:
  - a. the landowner or his agent or trustee.
  - b. the executor or administrator of an estate of a deceased landowner.
  - c. the guardian of the estate of a minor or other person under legal disability.
  - d. one of several joint owners. or,
  - e. one of several tenants in commonby either personal delivery or certified mail. These notices and statements may be served by either:
  - a. The county, district, or city Weed Director.
  - b. a county commissioner.
  - c. the sheriff.
  - d. a member of the governing body of a city,
  - e. the marshal, or
  - f. a policeman of any city having jurisdiction over land described in notice or statement.
- 2) If personal service or service by certified mail cannot be achieved within 45 days of the date on which the weed control activities are performed, then the notice or statement may be posted at the property where the weed control activity was performed, and the posting will be considered valid notice.  
(K.A.R. 4-8-13)

### **Regulatory Weed Control**

- 1) No later than April 1 of each year the Weed Director can publish a General Notice of noxious weed infestation in the official county newspaper (General Notice Template, Appendix C).
  - a. The cost of this publication will be paid from the Noxious Weed Eradication Fund.
    - i. Or, if the noxious weed program is funded primarily through the county general fund, the money will be paid into the county general fund.
    - ii. If the noxious weed program is funded from more than one source, all of the money collected will be paid into each source in proportion to its contribution to the noxious weed program.  
(K.S.A. 2-1331)
- 2) When a Weed Director knows of any noxious weed infestation, he or she will send an Official Notice by mail, in addition to, or instead of, the General Notice, to the person who owns the land, the person who manages the land or both, (Official Notice Template, Appendix C). This notice will contain:
  - a. the procedures described in the Kansas Official Control Programs and regulations for the control and eradication of the noxious weed(s) found on the land. and
  - b. a specified time within which the owner, operator or supervising agent will complete the required treatment for the control or eradication of any such noxious weed.  
(K.S.A. 2-1331)

- 3) If an inspection by the Weed Director after the completion date stated in the Official Notice reveals satisfactory treatment progress has not been made, the Weed Director can send a Legal Notice to the owner and/or manager by certified mail. The Legal Notice will contain:
  - a. A legal description of the noxious weed infested land.
  - b. the name of the owner or manager of the noxious weed infested land, as shown by county records.
  - c. the approximate acreage of each noxious weed in the infestation or infestations involved.
  - d. a copy of the Kansas official methods and regulations applicable for controlling each named noxious weed.
  - e. a specified time, by which noxious weed controls must be completed, which is a minimum of five days after the mailing of the notice.
  - f. a statement that unless the owner or manager completes the required noxious weed control methods within the specified time, the Weed Director can enter the noxious weed infested land and use whatever approved control methods for the eradication and control of the noxious weeds on that particular area of land.
  - g. a statement to inform the owner or manager that they may be prosecuted and fined if convicted.  
(see Legal Notice and Legal Notice Checklist, Appendix E)  
(K.A.R. 4-8-48)
- 4) Before issuing a Legal Notice, the Weed Director must notify the owner or manager by telephone, in person, first-class mail or by electronic means of the noxious weed infestation.  
(K.S.A. 2-1331)
- 5) If the Weed Director controls a noxious weed infestation after service of Legal Notice, the director must immediately notify the owner of the land with an itemized statement of the costs of treatment by certified mail (Collection of Debt - Regulatory).
  - a. The costs of treatment will include the total cost of material, labor and use of equipment.  
(K.S.A. 2-1332)

#### **State or Local Government Land**

- 1) If state or local government (county, township or city) -owned or managed lands are infested with noxious weeds, the Weed Director will notify them to control them. If, after 15 days from the notification, the weeds are still present or have not been controlled to the weed director's satisfaction, the county commissioners will have the weed director control them. After this regulatory treatment the county commissioners will send a bill to the state or local government by certified mail.  
(K.S.A. 2-1319)

- 2) The state or local government will pay the cost of the treatment from its noxious weed fund, its general fund or from any other funds available.  
(K.S.A. 2-1319)
- 3) A copy of the statement, along with proof of notification, will be filed with the County Clerk, and if it is not paid within 30 days, the amount will be placed on the tax roll, and will become a lien against the entire territory located within the particular political subdivision, and will be collected as other taxes are collected.  
(K.S.A. 2-1319)
- 4) All moneys collected in this type of action will be paid into the county Noxious Weed Eradication Fund.  
(K.S.A. 2-1319)

**Fines**

- 1) Any person, group, local government or other official found guilty of violating any part of the noxious weed law will be guilty of a misdemeanor and will be fined \$100 per day for each day of noncompliance up to a maximum fine of \$1,500.  
(K.S.A. 2-1323)

## **CITIES AND TOWNSHIPS**

### **Controlling Noxious Weeds**

- 2) The governing body of incorporated cities, the township boards, school boards and drainage boards are required to control the spread of and to eradicate all noxious weeds on all lands owned or supervised by them.
  - a. They are responsible for using methods and time frames approved and adopted by the Kansas Department of Agriculture.  
(K.S.A. 2-1314)
  
- 3) If the Board of County Commissioners declares one or both of the county option weeds to be noxious, the incorporated cities, the township boards, school boards and drainage boards within the county will be required to control the spread of and to eradicate them on all lands owned or supervised by them.
  - a. They are responsible for using methods and time frames approved and adopted by the Kansas Department of Agriculture.  
(K.S.A. 2-1314b)
  
- 4) A Weed Director can require the most stringent control measures specified in the tiered noxious weed list for any noxious weed, if the Weed Director decides that it is necessary to do so based on the results of the annual weed survey. In other words,
  - d. A Category C noxious weed can be treated as a Category B or Category A weed.
  - e. A Category B noxious weed can be treated as a Category A weed.
  - f. Weeds cannot be moved “down” in category.  
(K.A.R. 4-8-44)

### **Enforcement Authority**

- 1) Cities and townships may enter into an agreement with the Board of County Commissioners to take on the responsibility of the enforcement of the noxious weed act.
  - a. If, at any time, a Board of County Commissioners determines that a city or township that has taken on this responsibility is unable or unwilling to fulfill those responsibilities, the Board of County Commissioners may revoke the agreement and resume the responsibility for the enforcement of the provisions of this act.  
(K.S.A. 2-1316)

### **Noxious Weed Control**

- 2) A Weed Director can require the most stringent control measures specified in the tiered noxious weed list for any noxious weed, if the Weed Director decides that it is necessary to do so based on the results of the annual weed survey. In other words,
  - a. A Category C noxious weed can be treated as a Category B or Category A weed.
  - b. A Category B noxious weed can be treated as a Category A weed.
  - c. Weeds cannot be moved “down” in category.  
(K.A.R. 4-8-44)

### **Hiring**

- 1) Any incorporated city or any group of cities can, with the approval of the Secretary of Agriculture, employ a city or district weed director.  
(K.S.A. 2-1316)
- 2) Each individual hired to serve as a Weed Director will be hired as an employee of the city and not as an independent contractor.
  - a. Any Weed Director serving as an independent contractor as of March 26, 2021, may continue to serve as an independent contractor until the expiration of the current term under that individual’s existing contract, which shall not be renewed or extended.  
(K.A.R. 4-8-38)
- 3) Any individual seeking employment as a Weed Director may be conditionally approved for employment by the Secretary of Agriculture if the individual has education, training, or experience sufficient to allow the individual to carry out the employment duties of a Weed Director.  
(K.A.R. 4-8-38)
- 4) Final approval of the employment of each individual who has been conditionally approved to be employed as a city, township, or district Weed Director may be issued by the Secretary of Agriculture when the individual has met the following requirements:
  - a. Obtained certification as a pesticide applicator in Category 9A, noxious weed control.
  - b. Successfully completed the noxious weed basic short course offered by the Kansas Department of Agriculture, Kansas State University Research and Extension, and the Weed Directors Association of Kansas.  
(K.A.R. 4-8-38)
- 5) Approval of the employment of each individual previously approved for employment as a city, township, or district Weed Director may be renewed by the Secretary on or before January 1 of each year if the individual meets the following requirements:



- a. Is still employed as a Weed Director by the same city, township, or district when renewal is sought.
  - b. Is still certified as a pesticide applicator in Category 9A.
  - c. Has timely filed the Annual Weed Eradication Progress Report, the Management Plan and any other records or reports requested by the Secretary of Agriculture.  
(K.A.R. 4-8-38)
- 7) The state's approval of the Weed Director will be withdrawn if the weed director fails to comply with any of these conditions.  
(K.A.R. 4-8-38)

**Noxious Weed Eradication Fund**

- 1) On the basis of the annual surveys conducted by the Weed Director, each township or incorporated city will either make a tax levy each year for the purpose of paying the cost of control and eradication of noxious weeds, or set aside a portion of the county general fund equivalent to the budget of the noxious weed program.
  - a. Cities may also pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments.  
(K.S.A. 2-1318)
- 2) Each city, and township, separately, will make a levy each year for the purpose of paying the cost of control and eradication of noxious weeds.
  - c. Money collected from this levy will be set apart as a Noxious Weed Eradication Fund and expenses for the control and eradication of noxious weeds, verified by the Weed Director, may be drawn against this fund for all items of expense related to control of noxious weeds in the county.
  - d. Any money remaining in the Noxious Weed Eradication Fund at the end of the year for which a levy is made, will either be:
    - i. Transferred to the Noxious Weed Capital Outlay Fund for making of capital expenditures related to the control of noxious weeds,
    - ii. Or remain in the Noxious Weed Eradication Fund for use in the next year.  
(K.S.A. 2-1318)
- 3) All records relating to funds received into and spent from both the Noxious Weed Eradication Fund and the Noxious Weed Capital Outlay Fund will be retained by the county for at least five years and will be made available to the Secretary of Agriculture upon request.  
(K.S.A. 2-1318)

## **Weed Control**

(The Kansas Pesticide Law, K.S.A. 2-2438 et. seq., also applies to the sale and application of herbicides)

- 1) Incorporated cities, cooperating with the Secretary of Agriculture, will purchase or provide for needed and necessary equipment and necessary chemical material for the control and eradication of noxious weeds.
  - 2) Any city may use any equipment or materials purchased with money collected through a tax levied for noxious weed control, on highways, streets and alleys, for the treatment and eradication of any weeds, noxious or otherwise.  
(K.S.A. 2-1322)
- 2) Cities and township boards will keep a record of:
  - a. Purchases of herbicides and equipment for the control and eradication of noxious weeds.
  - b. An itemized record of sales of herbicides.
  - c. Charges and receipts for equipment owned by the county and used on public and private land.
  - d. These records will always be open to inspection.  
(K.S.A. 2-1322)

## **Local Government Land**

- 2) If local government (city or township) owned or managed lands are infested with noxious weeds, the County Weed Director will notify them to control them. If, after 15 days from the notification, the weeds are still present or have not been controlled to the weed director's satisfaction, the county commissioners will have the weed director control them. After this regulatory treatment the county commissioners will send a bill to the state or local government by certified mail.
  - a. The local government will pay the cost of the treatment from its noxious weed fund, its general fund or from any other funds available.
  - b. A copy of the statement, along with proof of notification, will be filed with the county clerk, and if it is not paid within 30 days, the amount will be placed on the tax roll, and will become a lien against the entire territory located within the particular political subdivision, and will be collected as other taxes are collected.
  - c. All money collected in such an action will be paid into the noxious weed eradication fund.  
(K.S.A. 2-1319)

**Private Land Access**

- 2) Township boards, city officials, Weed Director or any authorized city or township employee can, during normal business hours, enter upon land to inspect property in order to locate, identify and control weeds and to enforce the noxious weed law.
  - a. If conducting an inspection, the board, official or city employee must attempt to notify, if practicable, the owner, operator or lessee of the property of the purpose for the inspection and allow them to accompany the township or city employee during the inspection.  
(K.S.A. 2-1330)

## **WEED DIRECTOR**

### **Duties**

- 1) The duties of the County Weed Director are to:
  - a. Consult and co-operate with the Kansas Department of Agriculture,
  - b. Provide every possible assistance and direction for the most effective control and eradication within the Weed Director's district.
  - c. Investigate or help investigate and prosecute any violation of this act. and
  - d. Before applying any chemical control of noxious weeds on any public or private land, determine if they, or adjacent lands, are registered on the DriftWatch registry or other registries that provide location information about organic, sensitive or specialty crops.
  - e. Conduct annual surveys of the county.
  - f. Submit an Annual Weed Eradication Progress Report and a Management Plan to the County Commissioners and to the Kansas Department of Agriculture.
  - g. Become and remain informed of the best and most practical methods for noxious weed control and eradication and provide this information whenever necessary.
  - h. Report violations any Weed Director knows about to the county attorney.  
(K.S.A. 2-1316)
  
- 2) County Weed Directors and the County Agricultural Agent will cooperate in an intensive educational program on weed control.  
(K.S.A. 2-1315)

### **Noxious Weed Control**

- 2) A Weed Director can require the most stringent control measures specified in the tiered noxious weed list for any noxious weed, if the Weed Director decides that it is necessary to do so based on the results of the annual weed survey. In other words,
  - a. A Category C noxious weed can be treated as a Category B or Category A weed.
  - b. A Category B noxious weed can be treated as a Category A weed.
  - c. Weeds cannot be moved "down" in category.  
(K.A.R. 4-8-44)

### **Salary**

- 1) The salary of the County Weed Director shall be paid out of the county noxious weed fund or,
  - a. If the noxious weed program is funded primarily through county general funds, the salary shall be paid from the county general funds, prorated as may be decided at the time of such employment by the governing body or bodies employing such director.
  - b. If the noxious weed program is funded from more than one source, the salary shall be paid from each source in proportion to its contribution to the noxious weed program.  
(K.S.A. 2-1316)

### **Survey**

- 1) Every year the County Weed Director of each county will survey the county to determine the approximate amount of land, including highway rights of way, infested with each species of noxious weed and its location in the county no later than October 31.  
(2-1318)
  
- 2) A survey of the county will be considered complete once the County Weed Director has surveyed at least ten randomly selected sections within the county and extrapolated the acreage of each noxious weed found to the entire county.
  - a. The randomly selected sections within the county will be determined, and provided to the County Weed Director, by the Department of Agriculture each year.  
(KDA Policy)

### **Reports**

- 1) Each year, by March 15<sup>th</sup>, the County Weed Director will prepare and submit, to the Board of County Commissioners for their approval, and the Secretary of Agriculture for review, an Annual Weed Eradication Progress Report for the preceding calendar year, on a form supplied by the Secretary.  
(K.S.A. 2-1316)
  - a. This report will include, at a minimum:
    - i. The approximate acreage of land, including roadside areas, currently infested with each species of noxious weed and the location of each infestation in the county.
    - ii. the dollar amount of all expenditures made during the year to purchase materials, chemicals, and other equipment for the control of noxious weeds.
    - iii. the dollar amount of all sales made during the year, for cash or charge, of materials, chemicals, and other equipment for the control of noxious weeds.
    - iv. the dollar amount of all charges and receipts made during the year for use of equipment owned by each county, city, township, or district on public or private land.
    - v. the approximate acreage of land, including roadside areas, treated for each species of noxious weed during the year and the control methods used for treatment.
    - vi. any other relevant information that the Secretary deems necessary.  
(K.A.R. 4-8-46)
  
- 2) By March 15 of each year, the County Weed Director will prepare and submit, to the Board of County Commissioners for their approval, and the Secretary of Agriculture for review, a Management Plan for the coming year, on a form supplied by the department.  
(K.S.A. 2-1316)

- a. This plan will include, at a minimum:
  - i. The goals and priorities of the county, city, township, or district's noxious weed control program.
  - ii. the distribution and abundance of each noxious weed species known to exist within the county, city, township, or district; specific locations of new infestations; and areas particularly susceptible to new infestations.
  - iii. integrated weed management goals and procedures, including goals and procedures regarding biological control agent selection and distribution, pesticide selection and application, and cultural and mechanical controls.
  - iv. the estimated personnel, operations, and equipment costs of the proposed program.
  - v. a compliance plan or strategy.
  - vi. a strategy for working with state agencies to control noxious weeds on state lands.
  - vii. any other relevant information that the Secretary deems necessary. (K.A.R. 4-8-47)

**Voucher Sales**

- 5) If the Board of County Commissioners adopts a resolution to authorize a program to provide cost share herbicides to landowners through chemical dealers on a discount basis:
  - a. the County Weed Director will issue discount vouchers to the landowners before they buy the herbicides from the chemical dealers.
  - b. The landowner will take the vouchers an approved chemical dealer and present them for the purchase of the chemical material.
  - c. The chemical dealer sell the landowner the chemical listed on the voucher for the amount listed on the voucher.
  - d. The dealer will send the voucher and a copy of the sale receipt to the County Weed Director.
  - e. The Board of County Commissioners will reimburse the chemical dealers for the amount stated on the voucher. (K.S.A. 2-1333)

**Regulatory Weed Control**

- 4) If the County Weed Director controls a noxious weed infestation after serving a legal notice, the director must immediately notify the owner of the land with an itemized statement of the costs of treatment by certified mail (see Legal Notice, Legal Notice Checklist and Notice and Itemized Statement, re K.S.A. 1332, Appendix E).
  - c. The costs of treatment will include the total cost of material, labor and use of equipment.
  - d. The statement will include a penalty charge of 10% of the total amount of the treatment costs. (K.S.A. 2-1332)

- 5) No later than April 1 of each year the County Weed Director can publish a General Notice of noxious weed infestation in the official county newspaper (see General Notice Template, Appendix E). The cost of this publishing this notice will be paid from the noxious weed eradication fund.  
(K.S.A. 2-1331)
- 6) When a County Weed Director knows of any noxious weed infestation, he or she will send an Official Notice by mail, in addition to, or instead of, the General Notice, to the person who owns the land, the person who manages the land or both, (Official Notice Template, Appendix E). This notice will contain:
  - c. the procedures described in the Kansas Official Control Programs and regulations for the control and eradication of the noxious weed(s) found on the land. and
  - d. a specified time within which the owner, operator or supervising agent will complete the required treatment for the control or eradication of any such noxious weed.  
(K.S.A. 2-1331)
- 7) If an inspection by the County Weed Director after the completion date stated in the Official Notice reveals satisfactory treatment progress has not been made, the County Weed Director can send a Legal Notice to the owner and/or manager by certified mail. The Legal Notice will contain:
  - h. A legal description of the noxious weed infested land.
  - i. the name of the owner or manager of the noxious weed infested land, as shown by county records.
  - j. the approximate acreage of each noxious weed in the infestation or infestations involved.
  - k. a copy of the Kansas official methods and regulations applicable for controlling each named noxious weed.
  - l. a specified time, by which noxious weed controls must be completed. which is a minimum of five days after the mailing of the notice.
  - m. a statement that unless the owner or manager completes the required noxious weed control methods within the specified time, the County Weed Director can enter the noxious weed infested land and use whatever approved control methods for the eradication and control of the noxious weeds on that particular area of land.
  - n. a statement to inform the owner or manager that they may be prosecuted and fined if convicted.  
(K.A.R. 4-8-48)
- 8) Before issuing a Legal Notice, the County Weed Director must notify the owner or manager by telephone, in person or first-class mail or by electronic means of the noxious weed infestation.  
(K.S.A. 2-1331)

- 9) If the County Weed Director decides that musk thistles have reached a stage in which weed control methods would not work if applied at the time of discovery, the director can give notice requiring the effective control methods to be implemented within 10 business days of the date the notice was issued.  
(K.A.R. 4-8-27)
- 10) If the County Weed Director controls a noxious weed infestation after service of Legal Notice, the director must immediately notify the owner of the land with an itemized statement of the costs of treatment by certified mail (see Notice and Itemized Statement re K.S.A. 1332, Appendix E).
  - e. The costs of treatment will include the total cost of material, labor and use of equipment.
  - f. The statement will include a penalty charge of 10% of the total amount of treatment costs.  
(K.S.A. 2-1332)

### **Private Land Access**

- 1) The County Weed Director, an authorized county employee can, during normal business hours, enter upon land to inspect property in order to locate, identify and control weeds and to enforce the noxious weed law.
  - a. If conducting an inspection, the commissioner or county employee must attempt to notify, if practicable, the owner, operator or lessee of the property of the purpose for the inspection and allow them to accompany the state employee during the inspection.  
(K.S.A. 2-1330)

### **Conferences**

- 1) The Secretary of Agriculture or the Secretary's duly authorized representative and the County Weed Director will confer, at such time or times as seems necessary and advisable, with:
  - a. persons and associations of persons,
  - b. the Secretary of transportation,
  - c. the Board of County Commissioners,
  - d. the township boards or other boards and the governing body of cities,
  - e. railroad companies or other corporations, or their authorized agents,  
(K.S.A. 2-1317)
- 2) They will meet to discuss the extent of noxious weed infestation on their lands, and the methods deemed best suited to the control and eradication of each kind of noxious weeds within their respective jurisdictions.  
(K.S.A. 2-1317)



## **PRIVATE LANDOWNERS**

### **Controlling Noxious Weeds**

- 1) Every person or group of people, including companies, corporations, railroad companies and other transportation companies or corporations or their authorized agents, is required to control the spread of and to eradicate all noxious weeds on all lands owned or supervised by them.
  - a. They are responsible for using methods and time frames approved and adopted by the Secretary of Agriculture.  
(K.S.A. 2-1314)
  
- 2) If a landowner applies cost share chemicals for a purpose other than controlling noxious weeds or official methods for the control and eradication are not used, they may be charged, by Board of County Commissioners, the difference between the cost of the chemicals and the price the landowner paid.  
(K.S.A. 2-1322)
  
- 3) For the control of perennial noxious weeds, no control method can be used alone for the control of noxious weeds, except chemical controls
  - a. A Weed Director may use any integrated weed management technique alone for the control of any noxious weed.

### **Appeals**

- 1) If anyone is dissatisfied with the price charged for materials or the rental of equipment used in the control and eradication of noxious weeds, they will file a protest with the Board of County Commissioners, within ten days of the mailing of the bill. The Board of County Commissioners will hold a hearing and will have the power to either adjust or affirm the charge.
  - a. If anyone is dissatisfied with the decision rendered by the Board of County Commissioners they will, within thirty days, file a written notice of appeal with the clerk of the District Court of the county and an action will be docketed in the district court and be tried in the same way as other actions.
  - b. Upon the final determination of a change in the account, if any, the county or city clerk will correct the records in his or her office.  
(K.S.A. 2-1321)

## **Payment of Debts**

### **Voluntary**

- 1) If the owner, operator or supervising agent of noxious weed infested land enters into an agreement with the County Weed Director to buy cost share chemicals or have the weed director control their weeds, the landowner will pay the money they owe by December 31.
  - a. If they don't, the county commissioners will bill the landowner for the cost of material, labor and use of equipment.
  - b. If the landowner does not pay this bill within 30 days, the commissioners will add a penalty charge of 10% of the amount on the bill and the total amount will be placed as a lien on the land.(K.S.A. 2-1320)

### **Regulatory**

- 1) If the County Weed Director controls a noxious weed infestation after serving a legal notice, and the landowner does not pay the costs of treatment including the total cost of material, labor and use of equipment and a penalty charge of 10%, within 30 days of a bill being sent to them, the unpaid balance will become a lien against the entire contiguous tract of land, and will be collected as other taxes are collected, and  
(K.S.A. 2-1332)

## **Unlawful acts**

### **Disposal of screenings and materials**

- 1) No person, company or corporation can sell, offer for sale, barter, give away or otherwise dispose of any screening or offal material containing seeds of weeds mentioned in K.S.A. 2-1314 unless they have been processed by grinding or other adequate means, and the viability of all of the weed seeds contained in them has been destroyed. Unprocessed screenings or offal materials may be sold to a commercial processor or commercial feed mixer for processing.  
(K.S.A. 2-1325)

### **Disposal of infested plants, materials or fertilizers**

- 1) No person, company or corporation can sell, barter or give away:
  - a) nursery stock,
  - b) plants,
  - c) packing materials,
  - d) animal fertilizer,
  - e) soil or sod for landscaping or fertilizer usesthat is infested with noxious weed plant material or seeds.  
(K.S.A. 2-1326)

### **Labeling of harvesting and other machines**

- 1) No person, company or corporation can bring any harvesting or threshing machinery, portable feed grinders, portable seed cleaners, field ensilage cutters or other farm vehicles or machinery into the state without first cleaning it and ensuring that it is free from all weed seed and litter
  
- 2) No person, company or corporation can move any harvesting or threshing machines, portable feed grinders, portable seed cleaners field ensilage cutters from any field or farm infested with any noxious weed without first cleaning it equipment and ensuring that it is free from all weed seed and litter. Each machine operated by a person doing work for another will be labeled with an appropriate label on a form provided by the Kansas Department of Agriculture containing this section of the law.  
(K.S.A. 2-1327)

### **Infested livestock feed material**

- 1) No person, company or corporation can sell or offer for sale, barter or give away any livestock feed material that is infested with noxious weed seeds unless it has been processed and the viability of all noxious weed seeds has been destroyed  
(K.S.A. 2-1328)
  
- 2) Infested livestock feeds may be sold:
  - a) for consumption on the same farm where grown, or
  - b) to commercial processors or commercial feed mixers.  
(K.S.A. 2-1328)

### **Unprocessed livestock feed.**

- 1) No person, company or corporation can feed any grains, crops or other material containing the noxious weed seeds to livestock, except:
  - a. on the premises where it was grown, or
  - b. when it was purchased from a grower or dealer within the state without having been processed to destroy the viability of all of the weed seeds.  
(K.S.A. 2-1329)

### **Penalty**

- 1) Any person who is convicted of violating any part of this law will be guilty of a misdemeanor and will be punished with a fine of \$100 per day of noncompliance up to \$1,500.  
(K.S.A. 2-1323)

## **Records**

- 1) Any records of purchases of material and equipment for the control and eradication of noxious weeds, sales of materials and charges and receipts for the use of equipment, that all boards of county commissioners , townships and the governing bodies of cities are required to keep, will be available for inspection by the citizens of Kansas at all times.  
(K.S.A. 2-1322)

## **Voucher Sales**

- 1) If any landowner uses the cost share herbicides for a purpose other than controlling noxious weeds, the Board of County Commissioners may refuse to pay the discount voucher and the total cost will be paid by the private landowner.  
(K.S.A. 2-1333)
  
- 2) If the Board of County Commissioners does not authorize the use of vouchers, a petition signed by 5% or more of the voters in the county who voted for the Secretary of state during the last general election. If a petition is submitted:
  - a. The County Election Officer will submit the question at the next state or county-wide regular or special election that occurs mor than 60 days after the petition is submitted.
  - b. The County Election Officer will sent the results to the Secretary of State who will publish them in the Kansas register.
    - i. If a majority of the votes are against establishing a voucher program, the program will not be established in the county.
    - ii. If a majority of the votes are for establishing a voucher program, the program will be established in the county within 18 months.
    - iii. The election will be conducted, and the votes counted, in the manner provided by law for question-submitted elections of the county, except that the County Election Officer will publish a notice of the election in the official county newspaper once a week for two consecutive weeks. The first publication will be 21 days or more before the election, and the notice will include the date and time of the election and the proposition that will be on the ballot.  
(K.S.A. 2-1333)

# Appendices



Appendix A.

KANSAS STATUTES ANNOTATED  
Chapter 2. – AGRICULTURE  
Article 13. – Weeds

### **2-1313a. Definitions.**

(a) The provisions of article 13 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto, and K.S.A. 2018 Supp. 2-1313a, 2-1314c, 2-1314d and 2-1319a, and amendments thereto, shall be known and may be cited as the noxious weed act.

(b) For the purposes of this act:

(1) "Act" means the noxious weed act;

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

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

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

(5) "governmental agency" means the state or any agency or political subdivision thereof or the government of the United States or any agency or instrumentality thereof;

(6) "noxious weed" means any species of plant that the secretary shall declare to be a noxious weed in rules and regulations adopted and promulgated pursuant to this act;

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

(8) "person" means an individual, associations of persons, companies, corporations, the secretary of transportation, boards of county commissioners, township boards, school boards, drainage boards, governing bodies of cities, railroad companies and other transportation companies or corporations or their authorized agents and those supervising state-owned lands;

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

(10) "secretary" means the secretary of agriculture or the secretary's designated representative;

(11) "state advisory committee" means the state noxious weed advisory committee consisting of 13 voting members and the secretary; and

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

### **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. 2018 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.

#### **2-1314b. Noxious weeds; declaration of multiflora rose, bull thistle as noxious authorized.**

(a) The board of county commissioners of any county may declare the multiflora rose (*Rosa multiflora*) or the bull thistle (*Cirsium vulgare*), or both, to be a noxious weed within the boundaries of such county. In such event, all of the provisions of article 13 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto, that pertain to the control and eradication of noxious weeds shall apply to the control and eradication of the multiflora rose or the bull thistle, or both, within any such county.

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

(c) The provisions of this section shall expire on December 1 [31], 2020.

#### **2-1314c. Emergency declarations of noxious weeds.**

(a) The secretary may, by order, make an emergency declaration of noxious weeds if:

- (1) A new and potentially harmful species of plant is discovered growing in the state and is verified by the secretary; or
- (2) the state is facing a potential influx of harmful species of plant as the result of a natural disaster.
- (b) Once a species of plant has been declared a noxious weed under this section, the secretary shall consider such species of plant noxious as provided in K.S.A. 2-1314, and amendments thereto, and take every action and use any means available to control or eradicate such noxious weed as authorized in this act.
- (c) The secretary shall not make an emergency declaration for the same species of plant more than once in a five-year period without the recommendation of the state advisory committee.
- (d) The emergency declaration of a noxious weed shall remain in effect for the earlier of 18 months, until action can be taken by the secretary to declare the species of plant a noxious weed by rules and regulations, or until the secretary rescinds the emergency declaration.

**2-1314d. State noxious weed advisory committee; organization; duties.**

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

- (1) One member shall be a natural resource management professional from the Kansas department of wildlife, parks and tourism;
  - (2) two members shall be weed specialists from Kansas state university college of agriculture or Kansas state research and extension, with one such member having knowledge of non-chemical methods of weed control, and shall be appointed upon the recommendation of the dean of the college of agriculture and the director of Kansas state research and extension;
  - (3) one member shall be a county commissioner and shall be appointed upon the recommendation of the Kansas association of counties;
  - (4) four members shall be private landowners involved in agricultural production, one of whom shall be a Kansas producer who grows traditional Kansas crops, which, for the purposes of this paragraph, means wheat, corn, soybeans, milo, peanuts, cotton, hay or oats, one of whom shall be a Kansas producer who grows non-traditional Kansas crops, and one of whom shall be a certified organic producer;
  - (5) two members shall be weed supervisors and shall be appointed upon the recommendation of the board of directors of the county weed director's association of Kansas;
  - (6) one member shall represent the agricultural industries in the state and shall be appointed upon the recommendation of the board of directors of the Kansas agribusiness retailers association;
  - (7) one member shall be appointed upon the recommendation of the Kansas biological survey; and
  - (8) one member shall be appointed upon the recommendation of the board of directors of the Kansas cooperative council.
- (b) (1) Except as provided in this section, the term of office of each member of the committee shall be four years. The initial appointments to the committee shall be as follows:
- (A) Six members shall be appointed for a term of two years;
  - (B) four members shall be appointed for a term of three years; and
  - (C) three members shall be appointed for a term of four years.

- (2) The secretary shall designate the initial term of office for each member appointed to the first committee.
- (3) Each member shall be limited to serving a total of two full terms and shall hold office until the expiration of the term for which such member is appointed or until a successor has been duly appointed.
- (4) In the event of a vacancy on the state advisory committee, the recommending body of the vacating member shall make a recommendation to the secretary as prescribed in this section. The secretary shall, as soon as is reasonably possible, appoint a member to fill such vacancy for the remainder of the unexpired term.
- (5) The secretary may remove any member of the state advisory committee for misconduct, incompetence or neglect of duty.
- (c) (1) A quorum of the state advisory committee shall be a majority of the members duly appointed to the state advisory committee.
- (2) A quorum of the state advisory committee shall elect or appoint annually a chairperson and a vice-chairperson.
- (d) The state advisory committee shall meet at least once per year, but not more than four times per year.
- (e) The state advisory committee shall, among other duties assigned by the secretary:
  - (1) Review the state weed management plan every five years and recommend changes and updates to the secretary;
  - (2) recommend the designation and classification of noxious weeds in the state through the use of a risk assessment designated by the secretary;
  - (3) review the noxious weed act and the rules and regulations of the secretary declaring species of plants to be noxious weeds at least every four years and recommend changes to the secretary;
  - (4) review the official methods for the control and eradication for each species of plant declared a noxious weed and recommend changes to the secretary that include both chemical and non-chemical options for such control and eradication; and
  - (5) before January 1 of each odd-numbered year, report to the secretary on:
    - (A) The expenditure of state funds on noxious weed control and how such funds were spent;
    - (B) the status of the state and county noxious weed control programs;
    - (C) recommendations for the continued best use of state funds for noxious weed control; and
    - (D) recommendations on long-term noxious weed control needs.
- (f) The state advisory committee shall only make recommendations approved by a majority vote of the members.

**2-1315. Adoption of official methods for the control of noxious weeds; control districts; duties of secretary; cooperation of secretary, county agents and weed supervisors; rules and regulations.**

- (a) The secretary is hereby empowered to:
  - (1) Establish and adopt official methods for the control and eradication of noxious weeds and to publish such methods;
  - (2) adopt such rules and regulations as in the secretary's judgment are necessary to carry out the provisions of this act; and
  - (3) alter or suspend such rules and regulations when necessary.
- (b) The secretary may establish not to exceed five noxious weed control districts within this state and define the boundaries of such districts. Such districts shall be established to provide for the most efficient control and eradication of noxious weeds and for the most economical supervision by the state.
- (c) The secretary may consult, advise or render assistance to weed supervisors as to the best and most practical methods of noxious weed control and eradication. It shall be the duty of the

county agricultural agent to cooperate with and assist the weed supervisors in an intensive educational program on weed control. The secretary is hereby authorized to enter into agreements with any agencies of the federal government for cooperation in the control and eradication of noxious weeds in Kansas in keeping with the provisions of this act.

**2-1316. Responsibility for enforcement; weed supervisors; duties; salary; annual surveys, progress report and submission of a prospective management plan.**

(a) The responsibility for the enforcement of the provisions of this act shall be vested in the board of county commissioners as to all lands within the boundaries of such county, unless otherwise provided for. Cities and townships may enter into an agreement with the board of county commissioners to take upon themselves the responsibility of the enforcement of the provisions of this act. If, at any time, a board of county commissioners determines that a city or township within the boundaries of the county that has taken upon itself the responsibility of the enforcement of the provisions of this act is unable or unwilling to fulfill those responsibilities, the board of county commissioners may revoke the agreement and resume the responsibility for the enforcement of the provisions of this act.

(b) The board of county commissioners of each county shall, and the governing body of any incorporated city, township board, or any group of counties or cities may, employ with the approval of the secretary, a county, township, city or district weed supervisor.

(c) The weed supervisor shall:

(1) Consult and cooperate with the secretary in all matters pertaining to the best and most practical methods for noxious weed control and eradication;

(2) render every possible assistance and direction for the most effective control and eradication of noxious weeds within the weed supervisor's jurisdiction;

(3) investigate or aid in the investigation and prosecution of any violation of this act and report violations of which the weed supervisor has knowledge to the county attorney; and

(4) before applying any chemical control of noxious weeds to any public or private lands, determine if such lands or adjacent lands are registered on the registry or registries identified by the secretary to provide location information about organic, sensitive or specialty crops.

(d) The salary of the county weed supervisor shall be paid out of the county noxious weed fund or, if the noxious weed program is funded primarily through county general funds, the salary shall be paid from the county general funds, prorated as may be decided at the time of such employment by the governing body or bodies employing such supervisor. If the noxious weed program is funded from more than one source, the salary shall be paid from each source in proportion to its contribution to the noxious weed program.

(e) The weed supervisor shall make annual surveys of noxious weed infestations and ascertain the approximate amount of land and highway or any kind of right-of-way infested with each kind of noxious weed and its location in the county not later than October 31 of each year. The weed supervisor shall compile data on areas eradicated and under treatment and any other data the secretary may deem necessary and submit, by March 15 of each year, an annual weed eradication progress report for the preceding calendar year to the board of county commissioners for their approval and then to the secretary for review. By March 15 of each year, the weed supervisor shall prepare and submit a management plan for the coming year to the board of county commissioners for approval and to the secretary for review.

**2-1317. Weed supervisors, cooperation with certain entities.**

The secretary and the weed supervisor shall confer, at such time or times as seems necessary and advisable, with the secretary of transportation, boards of county commissioners, township boards, school boards, drainage boards, governing bodies of cities, railroad companies and other transportation companies or other corporations, or their authorized agents, and those supervising state-owned lands, as to the extent of noxious weed infestation on their lands, and

the control methods deemed best suited to the control and eradication of each kind of noxious weeds within their respective jurisdictions.

**2-1318. Tax levies by counties, townships and cities; budgeting through township or city general operating fund; use of proceeds; retention of records.**

(a) On the basis of the annual surveys of infestation required by K.S.A. 2-1316, and amendments thereto, the tax levying body of each county, township or incorporated city shall either make a tax levy each year for the purpose of paying the cost of control and eradication thereof as provided in this act or set aside a portion of the county general fund equivalent to the budget of the noxious weed program. In the case of cities and counties, a portion of the tax [tax] levy may be used 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 township or city may budget expenditures for noxious 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 weed supervisor or city supervisor, if such is employed, or, if no such supervisor is employed, then by the 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 jurisdiction 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 shall either be transferred to the noxious weed capital outlay fund for making of capital expenditures incident to the control of noxious weeds or remain in the noxious weed eradication fund for use in the next year.

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

**2-1319. State political subdivision land; control and eradication of noxious weeds; failure by political subdivision to control; payment of costs.**

(a)(1) The cost of controlling and eradicating noxious weeds on all lands or right-of-ways owned or supervised by a state agency, department or commission shall be paid by the state agency, department or commission supervising such lands or right-of-ways from funds appropriated to its use; on county lands and county right-of-ways, on township lands and township right-of-ways, on city lands and right-of-ways by the county, township or city in which such lands and right-of-ways 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.

(2) 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, the county shall provide 15 days' notice to the political subdivision directing such political subdivision to submit a plan and timeline for controlling such noxious weeds to the board of county commissioners or control such noxious weeds. If the plan and timeline is deemed unacceptable, the board of county commissioners shall notify the political subdivision of requested changes to its plan and timeline required for the board of county commissioners to approve such plan and timeline. If the political subdivision fails to control such noxious weeds or fails to submit an accepted plan and timeline within such 15 days' notice, the board of county commissioners shall proceed to have official methods for the control and eradication 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. A 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 political 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, or if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program.

**2-1319a. Certification of forage, straw or mulch carried onto state land as weed free.**

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

**2-1320. Unpaid costs of labor or material; itemized statement and notice to owner; penalties and interest; liens; copy of notice to register of deeds and county or city clerk; lien payable upon sale or transfer of ownership.**

In case the weed supervisor enters upon land or furnishes weed control materials pursuant to a contract or an agreement with an owner, operator or supervising agent of noxious weed infested land for the control of such noxious weeds and, as a result of such weed control methods, there are any unpaid accounts outstanding by December 31 of each year, the board of county commissioners or governing body of the city shall immediately notify or cause to be notified, such owner with an itemized statement as to the cost of material, labor and use of equipment and further stating that if the amount of such statement is not paid to the county or city treasurer wherein such real estate is located within 30 days from the date of such notice, a penalty charge of 10% of the amount remaining unpaid shall be added to the account and the total amount thereof shall become a lien upon such real estate. The unpaid balance of such account and such penalty charge shall draw interest from the date of entering into such contract at the rate prescribed for delinquent taxes pursuant to K.S.A. 79-2004, and amendments thereto. A copy of the statement, together with proof of notification, shall at the same time be filed with the register of deeds in such county and the county or city clerk, as the case may be, and if such amount is not paid within the next 30 days the county or city clerk, as the case may be, shall spread the amount of such statement upon the tax roll prepared by the clerk and such amount shall become a lien against the entire contiguous tract of land owned by such person or persons of which the portion so treated is all or a part, and shall be collected as other taxes are collected, and all moneys so collected shall be paid into the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program. If any land subject to a lien imposed under this section is sold or transferred, the entire remaining unpaid balance of such account plus any accrued interest and penalties shall become due and payable prior to the sale or transfer of ownership of the property, and upon collection shall be paid to the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program.

**2-1321. Filing of protests; hearings; appeals.**

If any person shall be dissatisfied with the charge made for material or rent of equipment used in the control and eradication of noxious weeds, said person shall, within ten days from the mailing of the account showing such charge, file a protest with the board of county commissioners, who shall hold a hearing thereon and shall have the power to either adjust or affirm such charge. If any person shall be dissatisfied with the decision rendered by the board of county commissioners said person shall within thirty days file a written notice of appeal with the clerk of the district court of the county and thereupon an action shall be docketed in the district court and be tried the same as other actions. Upon the final determination of any change in the account, if any, the county or city clerk shall correct the records in his or her office in accordance therewith.

**2-1322. Purchase and use of equipment and chemicals; sale of chemicals, price; charges for use of machinery and equipment; record of purchases, sales and charges.**

(a) The board of county commissioners, or the governing body of incorporated cities, cooperating with the secretary, shall purchase or provide for needed and necessary equipment and necessary chemical materials for the control and eradication of noxious weeds. The board of county commissioners of any county or the governing body of any city may use any equipment or apply any chemical materials purchased as provided for in this section, upon the rights-of-way and county-owned or managed property, for the treatment and eradication of species of plants that have not been declared noxious weeds.

(b) Except as provided in K.S.A. 2-1333, and amendments thereto, the board of county commissioners shall sell chemical materials to the landowners in its jurisdiction who have been assessed a tax by the county at a price fixed by the board of county commissioners 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 used in the control and eradication of noxious weeds, and may make such charge for the use of machines or other equipment and operators as may be deemed by the board of country [county] commissioners sufficient to cover the actual cost of operation. However, once the tax levying body of a county, city or township has appropriated a budget equivalent to 1.5 mills or more, the board of county commissioners may collect from the landowners in their jurisdiction 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.

(c) The board of county commissioners of a county that funds its noxious weed program from the county general fund shall sell chemical materials to the landowners in its jurisdiction who have been assessed a tax by the county at a price fixed by the board of county commissioners 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 used in the control and eradication of noxious weeds, and may make such charge for the use of machines or other equipment and the operators as may be deemed by the board of county commissioners sufficient to cover the actual cost of operation. However, once the tax levying body of a county, city or township has appropriated a budget equivalent to 1.5 mills or more, the board of county commissioners may collect from the landowners in its jurisdiction 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.

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

(e) The board of county commissioners, township boards, and the governing body of cities shall keep a record showing purchases of chemical materials and equipment for the control and eradication of noxious weeds. The board of county commissioners and the governing body of

cities shall also keep a complete itemized record showing sales for cash or charge sales of chemical materials and shall maintain a record of charges and receipts for use of equipment owned by each county or city on public and private land. Such records shall be open to inspection by citizens of Kansas at all times.

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

**2-1323. Penalty for violations.**

Any person, association of persons, corporation, county or city or other official who shall violate or fail to comply with any of the provisions of this act or the rules and regulations adopted pursuant to this act shall be deemed guilty of a class C nonperson misdemeanor and, upon conviction, shall be punished by a fine of \$100 per day for each day of noncompliance up to a maximum fine of \$1,500.

**2-1324. Invalidity of part.**

Should it be decided upon final judicial hearing that any section or clause of this act is invalid such decision shall only apply to the section or clause so found to be invalid and shall not invalidate the entire act.

**2-1325. Unlawful acts; disposal of screenings and materials.**

It shall be unlawful for any person, company or corporation to sell, offer for sale, barter, give away or otherwise dispose of any screening or offal material containing seeds of weeds mentioned in K.S.A. 2-1314 unless such screenings and materials shall first have been processed by grinding or other adequate means, and the viability of all such weed seeds therein destroyed provided, unprocessed screenings or offal materials may be sold to a commercial processor or commercial feed mixer for processing.

**2-1326. Same; disposal of infested plants, materials or fertilizers.**

It shall be unlawful for any person, company or corporation to sell, barter or give away nursery stock, plants, packing materials, animal fertilizer and soil or sod for landscaping or fertilizer uses which contains or is infested with noxious weed plant material or seeds.

**2-1327. Same; harvesting and other machines; labeling.**

It shall be unlawful for any person, company or corporation to (1) bring any harvesting or threshing machinery, portable feed grinders, portable seed cleaners, or field ensilage cutters or other farm vehicles or machinery into the state without first cleaning such equipment free from all weed seed and litter, or (2) to move any harvesting or threshing machines, portable feed grinders, portable seed cleaners or field ensilage cutters from any field or farm infested with any noxious weed without first cleaning such equipment free from all weed seed and litter. Each such machine operated by a person doing work for another shall be labeled with an appropriate label on a form provided by the secretary of agriculture containing this section of the law.



**2-1326. Same; disposal of infested plants, materials or fertilizers.**

It shall be unlawful for any person, company or corporation to sell, barter or give away nursery stock, plants, packing materials, animal fertilizer and soil or sod for landscaping or fertilizer uses which contains or is infested with noxious weed plant material or seeds.

**2-1327. Same; harvesting and other machines; labeling.**

It shall be unlawful for any person, company or corporation to (1) bring any harvesting or threshing machinery, portable feed grinders, portable seed cleaners, or field ensilage cutters or other farm vehicles or machinery into the state without first cleaning such equipment free from all weed seed and litter, or (2) to move any harvesting or threshing machines, portable feed grinders, portable seed cleaners or field ensilage cutters from any field or farm infested with any noxious weed without first cleaning such equipment free from all weed seed and litter. Each such machine operated by a person doing work for another shall be labeled with an appropriate label on a form provided by the secretary of agriculture containing this section of the law.

**2-1328. Same; infested livestock feed material.**

It shall be unlawful for any person, company or corporation to sell or offer for sale, barter or give away any livestock feed material which is infested with seeds of noxious weeds unless such feed material shall first have been processed and the viability of all noxious weed seeds present therein destroyed, except such feeds (1) may be sold for consumption on the same farm where grown or (2) may be sold to commercial processors or commercial feed mixers.

**2-1329. Same; unprocessed livestock feed.**

It shall be unlawful for any person, company or corporation to feed to livestock, except on the premises where grown or when purchased from a grower or dealer within the state, any grains, crops or other material containing the seeds of noxious weeds, without first having processed same as to destroy the viability of all such weed seeds.

**2-1330. Entry upon and inspection of property.**

(a) Subject to subsection (b), the boards of county commissioners, township boards, state and city officials, weed supervisors or any city, township, county or state employee so authorized shall have at all reasonable times, free access to enter upon such premises, without interference or obstruction to inspect property, both real and personal, regardless of location, in connection with the administration of this act. Entry upon such premises in accordance with this act shall not be deemed a trespass.

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

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

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

**2-1331. Notification of owner of lands infested with noxious weeds; inspection; initial general or official notice; subsequent legal notice.**

(a) When a weed supervisor has knowledge that any land in the weed supervisor's jurisdiction is infested, in any current year, with any noxious weed, the weed supervisor shall give notice, by publication of a general notice in the official county newspaper pursuant to subsection (b) or an official notice by mail, of such infestation to the person, association of persons, governmental agency, corporation or agent thereof, that owns the land. In the event the land is under the control or supervision of an operator or supervising agent, the notice shall also be mailed to the operator or supervising agent. Such notice shall contain the official methods adopted by the

secretary for the control and eradication of the noxious weeds that the weed supervisor found on the land and shall also contain a specified time within which the owner, operator or supervising agent shall complete the required treatment for the control or eradication of any such noxious weed.

(b) On or before April 1 of each year, the county weed supervisor may publish in the official county newspaper the general notice of noxious weed infestation, which shall remain in effect until March 31 of the following year. The cost of such publication shall be paid from the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, the cost shall be paid from the county general fund. If the noxious weed program is funded from more than once [one] source, the cost shall be paid from each source in proportion to its contribution to the noxious weed program.

(c) If an inspection by the weed supervisor, made on or after the completion date stated in the official notice prescribed under subsection (a) or publication of the general notice under subsection (b), reveals satisfactory treatment progress has not been made, the weed supervisor may send, by certified mail, to the owner and to the operator or supervising agent of the noxious weed infested land, a legal notice as described in subsection (e).

(d) In the event the weed supervisor determines that musk thistle plants that are found on land in the weed supervisor's jurisdiction have reached a stage of maturity where the official methods for control and eradication would not give satisfactory results, the supervisor may give legal notice requiring fall treatment to be performed in the current year. The provisions of this subsection shall expire on December 31, 2020.

(e) The secretary shall adopt rules and regulations establishing requirements for the legal notice to be given to the owner and to the operator or supervising agent of any noxious weed infested land.

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

**2-1332. Notice of the costs of treatment; itemized statement, contents; filing with register of deeds and county clerk; payment plans; liens, payable on sale or transfer of ownership.**

In the event the weed supervisor enters or causes entry upon land to control any noxious weed infestation, after service of legal notice, such supervisor shall immediately, after completion of the control operation, notify or cause to be notified, by certified mail, the owner of such land with an itemized statement of the costs of treatment. Such costs of treatment shall include the total cost of chemical materials, labor and use of equipment. Such statement shall include a penalty charge of 10% of the total amount of treatment costs. The unpaid balance of any such treatment costs including such penalty charge shall draw interest from the date of treatment at the rate prescribed for delinquent taxes pursuant to K.S.A. 79-2004, and amendments thereto. A copy of such statement, together with proof of notification, shall at the same time be filed with the register of deeds in such county and the county clerk, and if such amount is not paid within 30 days from the date of mailing of such notice, the county clerk shall record the amount of such statement upon the tax roll prepared by such county clerk and such amount shall become a lien against the entire contiguous tract of land owned by such person or persons of which the portion so treated is all or a part, and shall be collected as other taxes are collected and all moneys so collected shall be paid into the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program, except that not more than 25% of the cost of treating the portion of the entire contiguous tract of land so treated, as described and defined in the legal notice as

provided in K.S.A. 2-1331, and amendments thereto, shall be recorded on the tax rolls against such land in any one year. The board of county commissioners may, after discussion with the landowner in question, develop a payment plan for the payment of the full amount of the lien over time. If, for any reason, the landowner should fail to fulfill the terms of such agreement, the board of county commissioners may collect the remainder of the amount owed as provided in K.S.A. 2-1320, and amendments thereto. All moneys collected through a payment plan shall be deposited with the county treasurer for credit to the county noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program. If any land subject to a lien imposed under this section is sold or transferred, the entire remaining unpaid balance of such account plus any accrued interest and penalties shall become due and payable prior to the sale or transfer of ownership of the property, and upon collection shall be paid to the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program.

**2-1333. County option for discount program to control noxious weeds; petition to establish program, election and procedures.**

(a) The board of county commissioners may adopt a resolution to authorize the establishment of a program to provide chemical materials used in the control and eradication of noxious weeds to landowners through chemical dealers on a discount basis.

(b) If such program is authorized, the county weed supervisor shall issue discount certificates, prior to the chemicals being purchased from the chemical dealers, to the landowners. Such certificate shall be taken to a chemical dealer and be presented for the purchase of the chemical material. The chemical dealer shall issue an invoice showing the credit amount of the discount certificate. The dealer shall send the certificate and a copy of the invoice to the county weed supervisor. The certificates and invoices shall be turned over to the board of county commissioners, and no more than the stated amount on the certificate shall be reimbursed to the chemical dealers. The discount certificates shall be paid from the noxious weed fund.

(c) If such program is authorized, on January 1 of each year, the board of county commissioners shall determine the amount of money that may be used from the noxious weed fund to provide for the control and eradication of noxious weeds on privately owned land. The board shall state the dollar amount the county shall pay per unit for the purchase of chemical materials used on privately owned lands. Whenever official methods of eradication, adopted by the secretary of agriculture, are not followed in applying the chemical materials, the board of county commissioners may refuse to pay the discount certificate and the total cost shall be paid by the private landowner.

(d) (1) If a board of county commissioners does not issue discount certificates as provided in subsection (b), a petition to submit a proposition calling for an election to establish the program to provide chemical materials used in the control and eradication of noxious weeds to landowners through chemical dealers on a discount basis may be filed with the county election officer. Such petition shall be signed by qualified voters of the county equal in number to not less than 5% of the voters of the county who voted for the office of secretary of state at the last preceding general election at which such officer was elected.

(2) Upon the submission of a valid petition calling for an election pursuant to this subsection, the county election officer shall submit the question of whether the program as provided in this section shall be established in such county at the next state or county-wide regular or special

election which occurs more than 60 days after the petition is filed with the county election officer.

(3) If a majority of the votes cast and counted are in opposition to establishing the program as provided in this section in such county, the county election officer shall transmit a copy of the result to the secretary of state who shall publish in the Kansas register the result of such election and the program as provided in this section shall not be established in such county.

(4) If a majority of the votes cast and counted are in favor of the proposition, the county election officer shall transmit a copy of the results to the secretary of state who shall publish in the Kansas register the result of such election and that the program as provided in this section shall be established in such county within 18 months.

(5) The election provided for by this section shall be conducted, and the votes counted and canvassed, in the manner provided by law for question submitted elections of the county, except that the county election officer shall publish in the official county newspaper a notice of such election once each week for two consecutive weeks, the first publication to be not less than 21 days before the election, and such notice shall state the date and time of the election and the proposition that will appear on the ballot.

Appendix B.

**KANSAS ADMINISTRATIVE REGULATIONS**  
**Article 8.—NOXIOUS WEEDS**

#### **4-8-13. Service of notices and statements.**

(a) Service of notices and statements required by K.S.A. 2-1320, and amendments thereto, shall be deemed sufficient when made upon the owner of the land to which the notice or statement pertains or the landowner's agent or trustee, the executor or administrator of the estate of a deceased landowner, the guardian or conservator of the estate of a minor or legally disabled person, or one of several joint owners or tenants in common, by either of the following means:

- (1) Personal delivery; or
- (2) certified mail.

(b) The notices and statements required by K.S.A. 2-1320, and amendments thereto, may be served by any of the following:

(1) The county, city, township, or district weed supervisor for the county, city, township, or district where the land specified in the notice or statement is located;

(2) a county commissioner of the county where the land specified in the notice or statement is located;

(3) the sheriff of the county where the land specified in the notice or statement is located; or

(4) a member of the governing body of a city or the marshal or a law enforcement officer of any city having jurisdiction over land described in the notice or statement.

(c) If personal service or service by certified mail cannot be achieved within 45 days of the date on which any weed control activities are performed pursuant to K.S.A. 2-1320 and amendments thereto, then the notice or statement may be posted at the property where the weed control activity was performed, and the posting shall be considered valid notice.

#### **4-8-14a. Herbicides approved for cost-share.**

The Kansas department of agriculture's document titled "approved herbicides for cost-share," dated May 20, 2020, is hereby adopted by reference.

#### **4-8-27. Adoption of control methods for musk thistle.**

(a) The Kansas department of agriculture's document titled "official control methods for musk thistle," dated May 20, 2020, is hereby adopted by reference and shall apply to the control of musk thistle in Kansas.

(b) If a county, city, township, or district weed supervisor determines that musk thistles in the weed supervisor's county, city, township, or district have reached a stage of maturity that will render the weed control methods currently being used in that county, city, township, or district ineffective, the weed supervisor may give notice requiring the effective control methods to be implemented within 10 business days of the date the notice was issued.

#### **4-8-28. Adoption of control methods for Johnsongrass.**

The Kansas department of agriculture's document titled "official control methods for Johnsongrass," dated May 20, 2020, is hereby adopted by reference and shall apply to the control of Johnsongrass in Kansas.

**4-8-29. Adoption of control methods for field bindweed.**

The Kansas department of agriculture's document titled "official control methods for field bindweed," dated May 20, 2020, is hereby adopted by reference and shall apply to the control of field bindweed in Kansas.

**4-8-30. Adoption of control methods for hoary cress.**

The Kansas department of agriculture's document titled "official control methods for hoary cress," dated May 20, 2020, is hereby adopted by reference and shall apply to the control of hoary cress in Kansas.

**4-8-31. Adoption of control methods for Russian knapweed.**

The Kansas department of agriculture's document titled "official control methods for Russian knapweed," dated May 20, 2020, is hereby adopted by reference and shall apply to the control of Russian knapweed in Kansas.

**4-8-32. Adoption of control methods for bur ragweed.**

The Kansas department of agriculture's document titled "official control methods for bur ragweed," dated May 20, 2020, is hereby adopted by reference and shall apply to the control of bur ragweed in Kansas.

**4-8-33. Adoption of control methods for Canada thistle.**

The Kansas department of agriculture's document titled "official control methods for Canada thistle," dated May 20, 2020, is hereby adopted by reference and shall apply to the control of Canada thistle in Kansas.

**4-8-34. Adoption of control methods for leafy spurge.**

The Kansas department of agriculture's document titled "official control methods for leafy spurge," dated May 20, 2020, is hereby adopted by reference and shall apply to the control of leafy spurge in Kansas.

**4-8-35. Adoption of control methods for quackgrass.**

The Kansas department of agriculture's document titled "official control methods for quackgrass," dated May 20, 2020, is hereby adopted by reference and shall apply to the control of quackgrass in Kansas.

**4-8-36. Adoption of control methods for pignut.**

The Kansas department of agriculture's document titled "official control methods for pignut," dated May 20, 2020, is hereby adopted by reference and shall apply to the control of pignut in Kansas.

**4-8-37. Adoption of control methods for kudzu.**

The Kansas department of agriculture's document titled "official control methods for kudzu," dated May 20, 2020, is hereby adopted by reference and shall apply to the control of kudzu in Kansas.

#### **4-8-38. Weed supervisor employment.**

(a) Each individual hired to serve as a county, city, township, or district weed supervisor shall be hired as an employee of the county, city, township, or district and not as an independent contractor. Any county, city, township, or district weed supervisor serving as an independent contractor when this regulation becomes effective may continue to serve as an independent contractor until the expiration of the current term under that individual's existing contract, which shall not be renewed or extended.

(b) Any individual seeking employment as a county, city, township, or district weed supervisor may be conditionally approved for employment by the secretary if the individual has education, training, or experience sufficient to allow the individual to carry out the employment duties of a county, city, township, or district weed supervisor.

(c) Final approval of the employment of each individual who has been conditionally approved to be employed as a county, city, township, or district weed supervisor may be issued by the secretary when the individual has met the following requirements:

(1) Obtained certification as a pesticide applicator in category 9a, regulatory pest control, noxious weed control, pursuant to K.S.A. 2-2438a et seq. and amendments thereto; and

(2) successfully completed the noxious weed basic short course offered by the Kansas department of agriculture, plant protection and weed control program.

(d) Approval of the employment of each individual previously approved for employment as a county, city, township, or district weed supervisor may be renewed by the secretary on or before January 1 of each year if the individual meets the following requirements:

(1) Is still employed as a county, city, township, or district weed supervisor by the same county, city, township, or district when renewal is sought;

(2) is currently certified as a pesticide applicator as specified in paragraph (b)(1); and

(3) has timely filed the annual weed eradication progress report and any other records or reports requested by the secretary.

(e) Approval of the employment of any county, city, township, or district weed supervisor shall be withdrawn by the secretary if the county, city, township, or district weed supervisor has failed, without just cause, to comply with any of the requirements specified in subsection (c).

#### **4-8-40. Adoption of control methods for sericea lespedeza.**

The Kansas department of agriculture's document titled "official control methods for sericea lespedeza," dated May 20, 2020, is hereby adopted by reference and shall apply to the control of sericea lespedeza in Kansas.

#### **4-8-44. Designation of noxious weeds.**

(a) Pursuant to K.S.A. 2-1314 and amendments thereto, the weeds designated noxious by the secretary shall be placed in the following categories:

(1) Category A noxious weeds, which are weed species that are generally not found in the state or that are found limited in distribution throughout the state;

(2) category B noxious weeds, which are weed species with discrete distributions throughout the state; and

(3) category C noxious weeds, which are weed species that are well established within the state and known to exist in larger or more extensive populations in the state.



(b) Category A noxious weeds shall be subject to control efforts directed at excluding the noxious weeds from the state or eradicating the population of noxious weeds wherever detected statewide, in order to protect neighboring lands and the state as a whole. Category A noxious weeds shall include the following:

- (1) Hoary cress, *Lepidium draba*;
- (2) leafy spurge, *Euphorbia virgata*;
- (3) quackgrass, *Elymus repens*;
- (4) Russian knapweed, *Rhaponticum repens*;
- (5) kudzu, *Pueraria montana* variety *lobata*; and
- (6) pignut, *Hoffmannseggia glauca*.

(c) Category B noxious weeds shall be subject to control wherever populations have become established within the state and subject to control efforts directed at eradication wherever populations are not established. Category B noxious weeds shall include Canada thistle, *Cirsium arvense*.

(d) New populations of category C noxious weeds shall be subject to control efforts directed at reducing or eradicating those populations. Known and established populations of category C noxious weeds shall be managed by any approved control method. Category C noxious weeds shall include the following:

- (1) Field bindweed, *Convolvulus arvensis*;
- (2) musk thistle, *Carduus nutans*;
- (3) sericea lespedeza, *Lespedeza cuneata*;
- (4) Johnsongrass, *Sorghum halepense*; and
- (5) bur ragweed, *Ambrosia grayii*.

(e) Any county, city, township, or district weed supervisor or any official of another government agency may require the most stringent control measures specified in this regulation for any noxious weed, regardless of the category in which this regulation places that noxious weed, if the county, city, township, or district weed supervisor or government agency official determines that it is necessary to do so based on the results of the survey provided pursuant to K.S.A. 2-1316, and amendments thereto.

#### **4-8-45. Official control plans.**

(a) Each official control plan adopted by the secretary shall be based on the most current available science and shall include, if applicable, biological, chemical, cultural, and mechanical methods of control.

(b) A control method adopted by the secretary as part of an official control plan that includes more than one control method shall not be used alone for the control of noxious weeds, except that any chemical control method may be used alone and any county, city, township, or district weed supervisor may, at the county, city, township, or district weed supervisor's discretion, use any integrated weed management technique alone for the control of any perennial noxious weed.

(c) The control of each noxious weed species shall be undertaken in accordance with the official control plan adopted by the secretary for that noxious weed species.

#### **4-8-46. Annual report.**

Each annual weed eradication progress report that a weed supervisor submits to the secretary pursuant to K.S.A. 2-1316, and amendments thereto, shall include, at a minimum, the following:

- (a) The approximate acreage of land, including roadside areas, currently infested with each species of noxious weed and the location of each infestation in the county;
- (b) the dollar amount of all expenditures made during the year to purchase materials, chemicals, and other equipment for the control of noxious weeds;
- (c) the dollar amount of all sales made during the year, for cash or charge, of materials, chemicals, and other equipment for the control of noxious weeds;
- (d) the dollar amount of all charges and receipts made during the year for use of equipment owned by each county, city, township, or district on public or private land;
- (e) the approximate acreage of land, including roadside areas, treated for each species of noxious weed during the year and the control methods used for treatment; and
- (f) any other relevant information that the secretary deems necessary.

#### **4-8-47. Management plan.**

Each county, city, township, or district weed supervisor, with the aid of that county, city, township, or district weed supervisor's board of county commissioners or city or township board, shall submit a management plan to the secretary no later than March 15 of each year pursuant to K.S.A. 2-1316, and amendments thereto. Each management plan shall be submitted on a form provided by the department and shall include, at a minimum, the following:

- (a) The goals and priorities of the county, city, township, or district's noxious weed control program;
- (b) the distribution and abundance of each noxious weed species known to exist within the county, city, township, or district; specific locations of new infestations; and areas particularly susceptible to new infestations;
- (c) integrated weed management goals and procedures, including goals and procedures regarding biological control agent selection and distribution, pesticide selection and application, and cultural and mechanical controls;
- (d) the estimated personnel, operations, and equipment costs of the proposed program;
- (e) a compliance plan or strategy;
- (f) a strategy for working with state agencies to control noxious weeds on state lands; and
- (g) any other relevant information that the secretary deems necessary.

#### **4-8-48. Contents of notices and statements.**

Each notice or statement given to the owner, operator, or supervising agent of any noxious weed-infested land pursuant to K.S.A. 2-1331, and amendments thereto, shall include, at a minimum, the following:

- (a) The legal description of the noxious weed-infested land;
- (b) the name of the owner, operator, or supervising agent of the noxious weed-infested land, as indicated by the records of the clerk of the county where the land is located;
- (c) the approximate acreage of the noxious weed infestation or infestations specified in the notice or statement;

- (d) the official methods adopted by the secretary for the control of the noxious weeds specified in the notice or statement;
- (e) a time frame, which shall not be fewer than five days after mailing the notice, in which the owner or operator or supervising agent of the noxious weed-infested land shall implement the required noxious weed control methods;
- (f) a statement that if the owner, operator, or supervising agent fails to implement the required noxious weed control methods within the time frame provided in the notice or statement, the county, city, township, or district weed supervisor may enter the noxious weed-infested land or cause the noxious weed-infested land to be entered upon as often as necessary to control the noxious weed infestation and may use approved noxious weed control methods that the county, city, township, or district weed supervisor deems best adapted for the control of noxious weeds on the particular area of land;
- (g) a statement that if the county, city, township, or district weed supervisor enters the noxious weed-infested land or causes the noxious weed-infested land to be entered upon to control the noxious weed infestation, the owner, operator, or supervising agent shall be served notice of the costs of treatment pursuant to K.S.A. 2-1332, and amendments thereto; and
- (h) a statement that the owner, operator, or supervising agent may be prosecuted pursuant to K.S.A. 2-1323, and amendments thereto, and, if convicted, fined as established by law.



Appendix C.

## OFFICIAL NOXIOUS WEED CONTROL PROGRAMS

## KANSAS DEPARTMENT OF AGRICULTURE

OFFICIAL CONTROL METHODS FOR  
FIELD BINDWEED

Convolvulus arvensis L.

Revised May 20, 2020

**DESCRIPTION**

Field bindweed is a twining perennial forb native to Europe and Asia. It reproduces by seeds and rootstocks. The root system is extensive, extending to a depth of 20-30 feet. The smooth, slender stems twine or spread over the soil and vegetation. Leaves up to 2 inches long are alternate, simple, petioled, and highly variable in shape and size. The leaf blade may be oblong to elliptical or may be rounded to pointed with spreading basal lobes. Flowers are white, pink, or white with pink, funnel-shaped, about 1 inch across, and usually borne singly in the axils of leaves. Each flower stalk has two tiny, scale-like bracts ½-2 inches below the flower; the bracts, along with leaf shape and small flower size, distinguish field bindweed from hedge bindweed. Seeds are dark, brownish-gray, about 1/8-inch-long, and have one rounded and two flattened sides. Flowering from June-August; fruiting from August-October.

**PREVENTION OF SPREAD**

The Noxious Weed Law (K.S.A. 2-1313a et. seq.) requires all people to control the spread of and to eradicate field bindweed on all lands owned or supervised by them. Methods used for control must prevent both the production of viable seed and destroy the plant's ability to reproduce by vegetative means. Because field bindweed is a perennial, with the exception of herbicide applications, two or more of the following methods must be used together to control field bindweed. Infestation sites must be monitored after control methods have been accomplished to ensure that dormant seeds in the seedbank do not germinate and establish new infestations.

**FIELD BINDWEED CONTROL PRACTICES**

Field bindweed control means that both the roots and the flowers must be destroyed. The seeds of field bindweed will remain viable in the soil for up to 50 years so even repeated control practices may not deplete the seedbank resulting in the re-establishment of the infestation. Contact your county noxious weed director for more information.

**Cultural Control**

Cultural weed control involves land and vegetation management techniques used to prevent the establishment or control the spread of noxious weeds.

Using the combination of no-till farming methods, good crop rotation to break weed cycles, and keeping the soil covered to decrease weed seed germination are practices that minimize the establishment of new bindweed populations. Planting a dense cover crop in the spring, after a period of intensive cultivation, may provide effective competition for field bindweed. The effectiveness of all competitive crops depends on intensive cultivation during the field bindweed growing season when land is not in crop.

Frequent surveys of fence lines, roadway, ditches and other susceptible areas for new infestations and the quick removal of any new plants will prevent field bindweed from becoming established.

### **Mechanical Control**

Mechanical weed control involves the physical removal of all parts or just the reproductive parts of weeds.

As a perennial species, field bindweed is difficult to control mechanically. Deep, repeated cultivation has been shown to reduce field bindweed infestations. Once cultivated, the plant will regenerate its root system in about three weeks and any piece of a root that was broken during cultivation may establish a new plant. Therefore, to be effective, cultivation should occur every two to three weeks annually. Such repetitive cultivation throughout the growing season will deplete the root system and provide control. It is important to clean roots and root fragments from equipment before entering uninfested areas of the field or other fields to prevent the spread of field bindweed. This is not financially practical for most agricultural production systems and may also increase erosion of the topsoil. In general, mechanical control is not a good option because field bindweed is able to reproduce from roots, and its seed remains viable in the soil for up to 50 years.

### **Chemical Control**

The following herbicides may be used for cost-share with landowners. Other products labeled and registered for use on this noxious weed in Kansas may be used in accordance with label directions but are not available for cost-share. Be sure to read and follow all label directions and precautions. For additional information consult the most recent edition of the KSU publication of “Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland”.

The use of tank mixes or pre-mixes of two or more of the following herbicides may be available for cost share if approved by your county Weed Director and allowed in accordance with the appropriate labels. Contact your county weed program for availability of these herbicides.

It is highly recommended that you switch between herbicides with different modes of action often.

<b>Herbicide</b>	<b>Mode of Action</b>
2,4-D	4
dicamba	4
diflufenzopyr	19
diquat	22
glyphosate	9
imazapic	2
imazapyr	2
picloram	4
quinclorac	4

### **Biological Control**

Biological control refers to the deliberate application of a living organism to control the spread of weeds. These agents will not eradicate their host plant, therefore other control

methods must be used in addition to the use of biological control agents as part of an integrated pest management strategy. The importation of biological control agents is regulated by USDA-APHIS and is allowed by permit only.

While the following biological control agents are available for field bindweed, they have proven to be ineffective in the state of Kansas and therefore the Kansas Department of Agriculture will not be able to provide any for use. Other agents may be available for use if the appropriate permit is obtained.

*Aceria malherbae*  
*Tyta luctuosa*

gall mite  
leaf-feeding moth



## KANSAS DEPARTMENT OF AGRICULTURE

OFFICIAL CONTROL METHODS FOR  
MUSK THISTLE

Carduus nutans L.

Revised May 20, 2020

**DESCRIPTION**

Musk thistle is primarily a biennial, winter annual or short-lived perennial forb that was introduced from Eurasia. The leaves are deeply lobed, hairless, and dark green with a light green mid-rib. A silver-gray leaf margin is characteristic of each spine tipped lobe, giving the leaf a frosted appearance. The stems grow from a rosette of leaves that grow flat to the ground and are present year-round. The leaf base extends down the stem as wing-like flaps. Musk thistle is the first of the thistles to bloom in the spring. Each head is 2 to 3 inches in diameter, terminal, solitary, usually nodding or bent over slightly at the ends of branches, and consisting of many, tiny, purple (rarely white) flowers. The seed-like fruits are straw-colored, oblong, and 1/8-inch-long topped by numerous 1/2-1-inch, white, capillary bristles that aid in dispersal of the seeds and detach as a unit. Fruit dispersal begins 7-10 days after blooming. Flowering May-September (occasionally until frost); fruiting May-frost.

**PREVENTION OF SPREAD**

The Noxious Weed Law (K.S.A. 2-1313a et. seq.) requires all people to control the spread of and to eradicate musk thistle on all lands owned or supervised by them. Methods used for control must prevent both the production of viable seed and destroy the plant's ability to reproduce by vegetative means. Infestation sites must be monitored after control methods have been accomplished to ensure that dormant seeds in the seedbank do not germinate and establish new infestations.

**MUSK THISTLE CONTROL PRACTICES**

Because musk thistle is a biennial or short-lived perennial, you may be able to use mechanical controls alone as a control option because only the flower needs to be destroyed for control. Contact your county noxious weed director for more information.

**Cultural Control**

Cultural weed control involves land and vegetation management techniques used to prevent the establishment or control the spread of noxious weeds.

The use of sheep, goats and cattle to graze musk thistle may be used during the rosette to bolting stage then repeated as necessary to prevent the production of flowers. Repeat grazing each year to deplete the seedbank and provide control. Frequent surveys of fence lines, roadway, ditches and other susceptible areas for new infestations and the quick removal of any new plants will prevent musk thistle from becoming established.

## **Mechanical Control**

Mechanical weed control involves the physical removal of all parts or just the reproductive parts of weeds.

Any mechanical controls that prevent the plant from producing flowers, including mowing and burning, may be used to control musk thistle as long as that control takes place before any flowers are produced. Care must be taken to ensure that a new stem does not sprout from the root crown. Removal of the root crown is preferable, therefore mechanical controls such as digging, hoeing, disking or tilling are more effective and preferred.

Mechanical controls can be used throughout the year when they target the rosette.

## **Chemical Control**

The following herbicides may be used for cost-share with landowners. Other products labeled and registered for use on this noxious weed in Kansas may also be used in accordance with label directions but are not available for cost-share. Be sure to follow all label directions and precautions. For additional information consult the most recent edition of the KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

Any two or more of the herbicides listed below may be available for cost-share as a pre-mix or a tank mix if allowed on the respective labels. Contact your county weed program for availability.

<b><u>Herbicide</u></b>	<b><u>Mode of Action</u></b>
2,4-D	4
aminopyralid	4
chlorsulfuron	2
clopyralid	4
dicamba	4
diflufenzopyr	19
imazapic	2
metsulfuron methyl	2
picloram	4
triasulfuron	2

## **Biological Control**

Biological control refers to the deliberate application of a living organism to control the spread of weeds. These agents will not eradicate their host plant, therefore other control methods must be used in addition to the use of biological control agents as part of an integrated pest management strategy. The importation of biological control agents is regulated by USDA-APHIS and is allowed by permit only. The following agent is permitted for use on musk thistle in Kansas. Other agents may be available for use if the appropriate permit is obtained.

Cheilosia corydon                      flower fly

The below species are available for use within the state of Kansas though neither of these insects may be transported across state lines either into or out of Kansas. Consult with your County Noxious Weed Director for more information.

Rhinocyllus conicus                      head weevil  
Trichosirocalus horridus                crown weevil

**KANSAS DEPARTMENT OF AGRICULTURE****OFFICIAL CONTROL METHODS FOR  
JOHNSONGRASS**

Sorghum halepense (L.) Pers.

Revised May 20, 2020

**DESCRIPTION**

Johnsongrass is a warm-season, perennial grass native to Asia and northern Africa. It reproduces by long rhizomes and seeds. It is well adapted to hold its own in competition with crop plants. Stems grow up to 6-12 feet tall, from freely branching, stout, fleshy rhizomes bearing, fibrous roots. Leaves are alternate, simple, and relatively wide and long with a prominent white midvein. Spikelets are paired (1 sessile and perfect, 1 stalked and anther-bearing) and borne in large open panicles. The fruits are reddish-brown grains about 2 mm long, . Flowering from May – frost; fruiting June – frost.

**PREVENTION OF SPREAD**

The Noxious Weed Law (K.S.A. 2-1313a et. seq.) requires all landowners to control the spread of and to eradicate Johnsongrass on all lands owned or supervised by them. Methods used for control must prevent both the production of viable seed and destroy the plant's ability to reproduce by vegetative means. Infestation sites must be monitored after control methods have been accomplished to ensure that dormant seeds in the seedbank do not germinate and establish new infestations.

**JOHNSONGRASS CONTROL PRACTICES**

Johnsongrass control means that both the roots, rhizomes and the flowers must be destroyed. The rhizomes, which are horizontal underground stems, can extend for more than 6 feet from the original plant and can sprout new plants every few inches. Because Johnsongrass is a perennial, with the exception of herbicide applications, one or more of the following control methods must be used together to control Johnsongrass. Contact your county noxious weed director for more information.

**Cultural Control**

Cultural weed control involves land and vegetation management techniques used to prevent the establishment or control the spread of noxious weeds.

Johnsongrass is generally a good forage grass, especially when young and healthy, and is intolerant of heavy grazing. However, plants at certain developmental stages (when leaves and stems are actively growing) or when stressed (especially due to drought, extreme heat, or frost) can become toxic to livestock due to the production of cyanogenic glycosides. Also, prolonged consumption of fresh Johnsongrass can cause nitrate poisoning in ungulates. Consequently, grazing as a control method must be carried out with extreme caution.

Planting a dense cover crop in the spring, after a period of intensive cultivation, may provide effective competition for Johnsongrass. The effectiveness of all competitive crops depends on intensive cultivation during the Johnsongrass growing season when land is not in crop.

Frequent surveys of fence lines, roadway, ditches and other susceptible areas for new infestations and the quick removal of any new plants will prevent Johnsongrass from becoming established.

### **Mechanical Control**

Mechanical weed control involves the physical removal of all parts or just the reproductive parts of weeds.

As a perennial species, Johnsongrass is difficult to control mechanically. Hand-pulling or hoeing may work for small, recently established populations, they are too time-consuming and laborious to be economical on a large scale. Mowing or harvesting prevents weed seed production but does not prevent the plant from reproducing vegetatively. Fall plowing may bring Johnsongrass rhizomes closer to the surface, exposing them to killing temperatures. Cultivation reduces carbohydrate reserves in Johnsongrass, making it less competitive. Once cultivated, the system of rhizomes can quickly produce new plants and cultivation can spread the pieces of rhizome, ultimately increasing the extent of the infestation. It is important to clean roots and root fragments from equipment before entering uninfested areas of the field or other fields to prevent the spread of Johnsongrass. This is not financially practical for most agricultural production systems and may also increase erosion of the topsoil. In general, mechanical control is not a good option because plants are able to reproduce from both rhizomes and seed.

### **Chemical Control**

The following herbicides may be used for cost-share with landowners. Other products labeled and registered for use on this noxious weed in Kansas may be used in accordance with label directions but are not available for cost-share. Be sure to follow all label directions and precautions. For additional information consult the most recent edition of the KSU publication of “Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland”.

Any two or more of the herbicides listed below may be available for cost-share as a pre-mix or a tank mix if allowed on the respective labels. Contact your county weed program for availability.

<b>Herbicide</b>	<b>Mode of Action</b>
fenoxaprop-ethyl	1
fluazifop-p-butyl	1
foramsulfuron	2
glyphosate	9
imazapic	2
metsulfuron methyl	2
nicosulfuron	2
primisulfuron	1
quizalofop-p	1
rimsulfuron	2
sethoxydim	1
sulfometuron	2
sulfosulfuron	2

## **Biological Control**

Biological control refers to the deliberate application of a living organism to control the spread of weeds. These agents will not eradicate their host plant, therefore other control methods must be used in addition to the use of biological control agents as part of an integrated pest management strategy. The importation of biological control agents is regulated by USDA-APHIS and is allowed by permit only.

There are no biological control agents available for Johnsongrass.

## KANSAS DEPARTMENT OF AGRICULTURE

OFFICIAL CONTROL METHODS FOR  
SERICEA LESPEDEZA

Lespedeza cuneata (Dum. Cours.) G. Don

Revised May 20, 2020

**DESCRIPTION**

*Sericea lespedeza* is a shrubby-looking perennial forb, 2-5 feet tall with many branching stems from a stout, woody, branched taproot. It is native to Asia. The leaves, each with three ¼-1-inch long leaflets, are crowded along the stems. The leaflets are wedge- or club-shaped. Two types of flowers are produced individually or in small clusters along the stems: showy, mostly cross-pollinated flowers are ¼ inch long and cream-colored with purple markings; Self-pollinated flowers are smaller and less showy. Fruits from both types of flowers are tan to brown, one-seeded pods 1/8 - ¼ inches long. Flowering August-frost; fruiting September-frost.

**PREVENTION OF SPREAD**

The Noxious Weed Law (K.S.A. 2-1313a et. seq.) requires all landowners to control the spread of and to eradicate *sericea lespedeza* on all lands owned or supervised by them. Methods used for control must prevent both the production of viable seed and destroy the plant's ability to reproduce by vegetative means. Infestation sites must be monitored after control methods have been accomplished to ensure that dormant seeds in the seedbank do not germinate and establish new infestations.

**SERICEA LESPEDEZA CONTROL PRACTICES**

*Sericea lespedeza* control means that both the roots and the flowers must be destroyed. Because *sericea lespedeza* is a perennial, with the exception of herbicide applications, one or more of the following methods must be used together to control *sericea lespedeza*.

**Cultural Control**

Cultural weed control involves land and vegetation management techniques used to prevent the establishment or control the spread of noxious weeds.

The use of sheep or goats to graze *sericea lespedeza* may be used on young plants early in the season. Two or more treatments are necessary each season. Repeat grazing each year to deplete the seedbank and provide control.

Controlled burning of grasslands infested with *sericea lespedeza* in late August through September will kill the above-ground portion of the plant, including flowers and seeds which are produced at that time of year, preventing the plants from reproducing sexually. It will also encourage seed in the seedbank to germinate. Juvenile plants are susceptible to winter kill.

Frequent surveys of fence lines, roadway, ditches and other susceptible areas for new infestations and the quick removal of any new plants will prevent *sericea lespedeza* from becoming established.

### **Mechanical Control**

Mechanical weed control involves the physical removal of all parts or just the reproductive parts of weeds.

As a perennial species, sericea lespedeza is difficult to control mechanically. Although not as effective as late season burning, because the mown plants are not removed and the soil is not heated allowing for the dormant seeds in the seedbank to germinate, repeated mowing in the flower bud stage should reduce the vigor of sericea lespedeza.

### **Chemical Control**

The following herbicides may be used for cost-share with landowners. Other products labeled and registered for use on this noxious weed in Kansas may be used in accordance with label directions but are not available for cost-share. Be sure to follow all label directions and precautions. For additional information consult the most recent edition of the KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

Any two or more of the herbicides listed below may be available for cost-share as a pre-mix or a tank mix if allowed on the respective labels. Contact your county weed program for availability.

<b><u>Herbicide</u></b>	<b><u>Mode of Action</u></b>
aminopyralid	4
chlorsulfuron	2
fluroxypyr	4
metsulfuron methyl	2
picloram	4
triclopyr	4

### **Biological Control**

Biological control refers to the deliberate application of a living organism to control the spread of weeds. These agents will not eradicate their host plant, therefore other control methods must be used in addition to the use of biological control agents as part of an integrated pest management strategy. The importation of biological control agents is regulated by USDA-APHIS and is allowed by permit only.

There are no biological control agents available for sericea lespedeza.



## KANSAS DEPARTMENT OF AGRICULTURE

OFFICIAL CONTROL METHODS FOR  
BUR RAGWEED

Ambrosia grayii (A. Nelson) Shinnery  
Revised May 20, 2020

**DESCRIPTION**

Bur ragweed is a native, erect, perennial forb, 1-2 feet tall, that reproduces by underground root-stocks and seeds. Stems are usually branching from the base and covered with fine, woolly hairs that give the plant a silvery-gray to purplish-white appearance. The leaves are usually alternate rarely opposite toward the base of the stem), broadly ovate, pinnately 3-5-parted or entire, long-petioled, and dusty greenish-gray. The central lobe of the leaves is usually much larger than the lateral lobes. Male and female flowers are borne in separate heads, with male heads, drooping, about ¼ inch in diameter, and produced in terminal racemes, and female heads, mostly solitary in the leaf axils, 2-flowered, and less than ¼ inch in diameter. The 1-seeded fruits are bur-like, 1/8-1/4-inch-long, and bear stout, straight or hooked spines that are 1/16-1/8 inch long. Flowering and fruiting September-frost.

**PREVENTION OF SPREAD**

The Noxious Weed Law (K.S.A. 2-1313a et. seq.) requires all landowners to control the spread of and to eradicate bur ragweed on all lands owned or supervised by them. Methods used for control must prevent both the production of viable seed and destroy the plant's ability to reproduce by vegetative means. Infestation sites must be monitored after control methods have been accomplished to ensure that dormant seeds in the seedbank do not germinate and establish new infestations.

**BUR RAGWEED CONTROL PRACTICES**

Bur ragweed control means that both the roots and the flowers must be destroyed. Because bur ragweed is a perennial, with the exception of herbicide applications, one or more of the following methods must be used together to control bur ragweed.

**Cultural Control**

Cultural weed control involves land and vegetation management techniques used to prevent the establishment or control the spread of noxious weeds.

Frequent surveys of fence lines, roadway, ditches and other susceptible areas for new infestations and the quick removal of any new plants will prevent bur ragweed from becoming established.

### **Mechanical Control**

Mechanical weed control involves the physical removal of all parts or just the reproductive parts of weeds.

As a perennial species, bur ragweed is difficult to control mechanically. Controlling bur ragweed with cultivation would require tillage three to four inches deep every 14 to 21 days annually to deplete the seedbank. Following this time period, the area should be regularly policed for new seedlings which can be killed by further cultivation. When using this method, it is important to clean bur ragweed roots and root fragments from equipment before entering uninfested areas of the field or other fields to prevent the spread of bur ragweed.

Current residue requirements for cropland would not allow the excessive amounts of tillage needed to control bur ragweed. It is also not practical to clean cultivate over a two-year period because of the resulting wind and water erosion or loss of income due to no crop returns.

### **Chemical Control**

The following herbicides may be used for cost-share with landowners. Other products labeled and registered for use on this noxious weed in Kansas may be used in accordance with label directions but are not available for cost-share. Be sure to follow all label directions and precautions. For additional information consult the most recent edition of the KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

Any two or more of the herbicides listed below may be available for cost-share as a pre-mix or a tank mix if allowed on the respective labels. Contact your county weed program for availability.

<b>Herbicide</b>	<b>Mode of Action</b>
2,4-D LV Ester	4
aminopyralid	4
dicamba	4
florpyrauxifen-benzyl	4
picloram	4

### **Biological Control**

Biological control refers to the deliberate application of a living organism to control the spread of weeds. These agents will not eradicate their host plant, therefore other control methods must be used in addition to the use of biological control agents as part of an integrated pest management strategy. The importation of biological control agents is regulated by USDA-APHIS and is allowed by permit only.

There are no biological control agents available for bur ragweed.

**KANSAS DEPARTMENT OF AGRICULTURE****OFFICIAL CONTROL METHODS FOR  
CANADA THISTLE**

Cirsium arvense (L.) Scop.

Revised May 20, 2020

**DESCRIPTION**

Canada thistle is a perennial forb native to Europe. It reproduces by seeds and whitish, creeping roots that send up new shoots every 8-12 inches. Stems are 2-4 feet tall, and usually branched above the middle. Leaves are alternate, oblong or lanceolate, irregularly lobed or toothed, spiny-margined, and hairless or white-haired. Flowers are pink to purple (rarely white) and borne in 0.5-1-inch-diameter heads clustered near the ends of branches. Male and female flowers are on different plants and can be difficult to tell apart without careful examination. For viable seed to be produced, plants bearing male flowers and plants bearing female flowers need to be in close proximity. The seed-like fruits are about 1/8-inch-long, smooth, light to dark brown, oblong, slightly flattened and slightly curved, and bear a terminal cluster of numerous white, 0.5-1 inch capillary bristles that aid in wind dispersal. Flowering June-August; fruiting July-frost.

**PREVENTION OF SPREAD**

The Noxious Weed Law (K.S.A. 2-1313a et. seq.) requires all landowners to control the spread of and to eradicate Canada thistle on all lands owned or supervised by them. Methods used for control must prevent both the production of viable seed and destroy the plant's ability to reproduce by vegetative means. Infestation sites must be monitored after control methods have been accomplished to ensure that dormant seeds in the seedbank do not germinate and establish new infestations.

**CANADA THISTLE CONTROL PRACTICES**

Canada thistle control means that both the roots and the flowers must be destroyed. Because Canada thistle is a perennial, with the exception of herbicide applications, one or more of the following methods must be used together to control Canada thistle.

**Cultural Control**

Cultural weed control involves land and vegetation management techniques used to prevent the establishment or control the spread of noxious weeds.

The use of sheep, goats and cattle to graze Canada thistle grazing when rosettes are green and begin to sprout. Remove animals when grazing shifts to desirable species and then re-graze new sprouts repeat often enough during the season to prevent flowering. Grazing treatment will need to be repeated annually to deplete the seedbank and provide control.

Frequent surveys of fence lines, roadway, ditches and other susceptible areas for new infestations and the quick removal of any new plants will prevent Canada thistle from becoming established.

### **Mechanical Control**

Mechanical weed control involves the physical removal of all parts or just the reproductive parts of weeds.

As a perennial species, Canada thistle is difficult to control mechanically. Repeated mowing of Canada thistle over a three-year period, timed for bud to early-bloom stage, should suppress infestations in forages. This mowing should be as low to the ground as practical. Care must be taken to mow before any of the target plants sets seed; mowing after seed set will help disperse the seed.

### **Chemical Control**

The following herbicides may be used for cost-share with landowners. Other products labeled and registered for use on this noxious weed in Kansas may be used in accordance with label directions but are not available for cost-share. Be sure to follow all label directions and precautions. For additional information consult the most recent edition of the KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

Any two or more of the herbicides listed below may be available for cost-share as a pre-mix or a tank mix if allowed on the respective labels. Contact your county weed program for availability.

<b>Herbicide</b>	<b>Mode of Action</b>
2,4-D	4
aminopyralid	4
chlorsulfuron	2
clopyralid	4
dicamba	4
diflufenzopyr	19
glyphosate	9
imazapyr	2
metsulfuron-methyl	2
picloram	4

### **Biological Control**

Biological control refers to the deliberate application of a living organism to control the spread of weeds. These agents will not eradicate their host plant, therefore other control methods must be used in addition to the use of biological control agents as part of an integrated pest management strategy. The importation of biological control agents is regulated by USDA-APHIS and is allowed by permit only. The following agents are permitted for use on Canada thistle. Other agents may be available for use if the appropriate permit is obtained.

Ceutorhynchus litura	stem weevil
Urophora cardui	stem gall fly

## KANSAS DEPARTMENT OF AGRICULTURE

OFFICIAL CONTROL METHODS FOR  
LEAFY SPURGE

Euphorbia virgata Waldst. &amp; Kit.

Revised May 20, 2020

**DESCRIPTION**

Leafy spurge is a perennial forb introduced from Europe and Asia. It reproduces by seed and creeping roots that give rise to new roots and shoots every few inches. Stems are bright green, 2/3-2 feet tall branched above the middle, stiff and woody when mature, and usually grow in bunches. Stems are branched at top, very stiff and woody when mature. The stems and leaves emit a milky sap when broken. Leaves are alternate, oblong 1½-3½ inches long, and entire. Male and female flowers are tiny and borne together in small cup-like structures surrounded by broad greenish-yellow bracts. Groups of flower-bearing cups and their bracts are produced in umbel-like clusters at the ends of the stems. Seeds are borne in three-lobed capsules with 3 seeds per capsule, and are ejected explosively from the capsule to distances up to 20 feet. Flowering May -September and fruiting June-October.

**PREVENTION OF SPREAD**

The Noxious Weed Law (K.S.A. 2-1313a et. seq.) requires all landowners to control the spread of and to eradicate leafy spurge on all lands owned or supervised by them. Methods used for control must prevent both the production of viable seed and destroy the plant's ability to reproduce by vegetative means. Infestation sites must be monitored after control methods have been accomplished to ensure that dormant seeds in the seedbank do not germinate and establish new infestations.

**LEAFY SPURGE CONTROL PRACTICES**

Leafy spurge control means that both the roots and the flowers must be destroyed. Because leafy spurge is a perennial, with the exception of herbicide applications, one or more of the following methods must be used together to control leafy spurge.

**Cultural Control**

Cultural weed control involves land and vegetation management techniques used to prevent the establishment or control the spread of noxious weeds.

The use of sheep or goats to graze leafy spurge may be used during the vegetative to flowering stage then repeated as necessary to prevent the production of flowers. Repeat grazing each year to deplete the seedbank and provide control. Frequent surveys of fence lines, roadway, ditches and other susceptible areas for new infestations and the quick removal of any new plants will prevent leafy spurge from becoming established.

### **Mechanical Control**

Mechanical weed control involves the physical removal of all parts or just the reproductive parts of weeds.

As a perennial species, leafy spurge is difficult to control mechanically. An intensive cultivation program should begin in the spring, two to four weeks after leafy spurge emerges, tilling four inches deep. Cultivation should continue every three weeks until the soil freezes in the fall for at least two growing seasons. The tillage schedule cannot be interrupted because leafy spurge recovers quickly from the effects of cultivation. Pieces of roots as small as 0.5-inch-long and 0.1-inch diameter can produce new shoots and can survive two or three hours of drying in the hot sun. It is important to clean leafy spurge roots and root fragments from equipment before entering uninfested areas of the field or other fields to prevent the spread of leafy spurge.

Because of the resulting wind and water erosion or loss of income due to no crop returns, it is not practical to cultivate over a two to four-year period.

### **Chemical Control**

The following herbicides may be used for cost-share with landowners. Other products labeled and registered for use on this noxious weed in Kansas may be used in accordance with label directions but are not available for cost-share. Be sure to follow all label directions and precautions. For additional information consult the most recent edition of the KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

Any two or more of the herbicides listed below may be available for cost-share as a pre-mix or a tank mix if allowed on the respective labels. Contact your county weed program for availability.

<b><u>Herbicide</u></b>	<b><u>Mode of Action</u></b>
2,4-D LV Ester	4
dicamba	4
diflufenzopyr	19
glyphosate	9
imazapic	2
picloram	4

## **Biological Control**

Biological control refers to the deliberate application of a living organism to control the spread of weeds. These agents will not eradicate their host plant, therefore other control methods must be used in addition to the use of biological control agents as part of an integrated pest management strategy. The importation of biological control agents is regulated by USDA-APHIS and is allowed by permit only. The following agents are permitted for use on Leafy Spurge. Other agents may be available for use if the appropriate permit is obtained.

Aphthona abdominalis  
Aphthona czwalinae  
Aphthona flava  
Aphthona lacertosa  
Aphthona nigricutis  
Hyles euphorbiae  
Oberea erythrocephala  
Spurgia esulae

minute spurge flea beetle  
black leafy spurge flea beetle  
copper leafy spurge flea beetle  
brown-legged spurge flea beetle  
black dot leafy spurge flea beetle  
spurge hawk-moth  
red-headed leafy spurge stem borer  
shoot tip gall midge

## KANSAS DEPARTMENT OF AGRICULTURE

OFFICIAL CONTROL METHODS FOR  
HOARY CRESS

Lepidium draba L.

Revised May 20, 2020

**DESCRIPTION**

Hoary Cress is a perennial forb introduced from Eurasia. It reproduces by extensive root systems, rhizomes, and seeds. Stems are 0.5-3 feet tall and nearly hairless to moderately hairy. Leaves are alternate, oblong, 1-3 inches long, and grayish-green with toothed margins. The upper leaves are attached directly to the stem with a broad, forked base that appears to clasp the stem. The flowers are white, 4-petaled, 1/8 inch across, and borne in showy, compact racemes. The fruits are flattened, heart-shaped pods about 1/8-inch long. One granular, reddish brown seed is produced in each half of the pods. Flowering May-July; fruiting June-August.

**PREVENTION OF SPREAD**

The Noxious Weed Law (K.S.A. 2-1313a et. seq.) requires all landowners to control the spread of and to eradicate hoary cress on all lands owned or supervised by them. Methods used for control must prevent both the production of viable seed and destroy the plant's ability to reproduce by vegetative means. Infestation sites must be monitored after control methods have been accomplished to ensure that dormant seeds in the seedbank do not germinate and establish new infestations.

**HOARY CRESS CONTROL PRACTICES**

Hoary cress control means that both the roots and the flowers must be destroyed. Because hoary cress is a perennial, with the exception of herbicide applications, one or more of the following methods must be used together to control hoary cress.

**Cultural Control**

Cultural weed control involves land and vegetation management techniques used to prevent the establishment or control the spread of noxious weeds.

The use of sheep or goats to graze hoary cress may be used before flowering when the palatability of hoary cress decreases. Repeat at least two times per year to deplete the seedbank and provide control. Grazing hoary cress is considered impractical because of low acceptance by livestock and the potential for poisoning, especially in cattle.

Frequent surveys of fence lines, roadway, ditches and other susceptible areas for new infestations and the quick removal of any new plants will prevent hoary cress from becoming established.

**Mechanical Control**

Mechanical weed control involves the physical removal of all parts or just the reproductive parts of weeds.



As a perennial species, hoary cress is difficult to control mechanically. The root system of hoary cress can be exhausted through repeated cultivation. This cultivation must be at least six inches deep and repeated within 10 days of weed emergence throughout the growing season each year to deplete the seedbank. It is important that no green leaves be allowed to develop between cultivations. It is important to clean hoary cress roots and root fragments from equipment before entering uninfested areas of the field or other fields to prevent the spread of hoary cress. Because of the resulting wind and water erosion or loss of income due to no crop returns, it is not practical to cultivate over a two to four-year period.

A second option is to cultivate when the plants are three to six inches tall post-harvest. Research has shown that cultivating hoary cress twice each fall after harvest annually provided complete control. The fall cultivation program has an advantage over the season-long program because it allows crops to be grown during the season and limits soil exposure to erosion. Two fall cultivations will reduce hoary cress infestations faster than one cultivation. However, a single cultivation may be a more practical management option when minimal tillage is desired, or soil erosion is a concern.

It is important to clean hoary cress roots and root fragments from equipment before entering uninfested areas of the field or other fields to prevent the spread of hoary cress.

**Chemical Control**

The following herbicides may be used for cost-share with landowners. Other products labeled and registered for use on this noxious weed in Kansas may be used in accordance with label directions but are not available for cost-share. Be sure to follow all label directions and precautions. For additional information consult the most recent edition of the KSU publication of “Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland”.

Any two or more of the herbicides listed below may be available for cost-share as a pre-mix or a tank mix if allowed on the respective labels. Contact your county weed program for availability.

<b>Herbicide</b>	<b>Mode of Action</b>
2,4-D LV Ester	4
chlorsulfuron	2
dicamba	4
imazapyr	2
metsulfuron methyl	2

**Biological Control**

Biological control refers to the deliberate application of a living organism to control the spread of weeds. These agents will not eradicate their host plant, therefore other control methods must be used in addition to the use of biological control agents as part of an integrated pest management strategy. The importation of biological control agents is regulated by USDA-APHIS and is allowed by permit only.

There are no biological control agents available for hoary cress.

**KANSAS DEPARTMENT OF AGRICULTURE****OFFICIAL CONTROL METHODS FOR  
PIGNUT**

Hoffmannseggia glauca (Ortega) Eifert  
Revised May 20, 2020

**DESCRIPTION**

Pignut, also known as hogpotato and Indian rushpea, is a native, perennial legume. The stems, petioles, flowers, and fruits are covered with tiny, distinctive, tack-shaped glands. Pignut has deep roots on which develop nut-like tubers 10-15 inches below the surface that are difficult to remove from the soil. The stems are 8-12 inches tall. The leaves are mostly at the base of the stem, are 3-5 inches long, and twice compound with 3-15 pairs of primary leaflets and 12-22 pairs of secondary leaflets on each primary leaflet. The secondary leaflets are oblong and 1/12-1/4 inch long. The flowers are of the pea-type, yellow or orange-red, and about one half inch long. The seed pods are flat, 1-1 1/2 inches long, and typically contain 1-6 seeds. Flowering from May-September; fruiting from June-October.

**PREVENTION OF SPREAD**

The Noxious Weed Law (K.S.A. 2-1313a et. seq.) requires all people to control the spread of and to eradicate pignut on all lands owned or supervised by them. Methods used for control must prevent both the production of viable seed and destroy the plant's ability to reproduce by vegetative means. With the exception of herbicide applications, two or more of the following methods must be used together to control pignut.

**PIGNUT CONTROL PRACTICES**

Pignut control means that both the roots and the flowers must be destroyed. As pignut is a perennial species, no one of the following methods of control may be used alone, with the exception of chemical controls, and your county weed supervisor must approve of any non-chemical control methods.

**Cultural Control**

Cultural weed control involves land and vegetation management techniques used to prevent the establishment or control the spread of noxious weeds.

Frequent surveys of fence lines, roadway, ditches and other susceptible areas for new infestations and the quick removal of any new plants will prevent bur ragweed from becoming established.

## **Mechanical Control**

Mechanical weed control refers to any technique that involves the use of mechanical or manual equipment to control weeds. Unless the entire root of a perennial plant species is removed as part of a mechanical control, the control is not likely to be successful. As a perennial species, quackgrass is difficult to control mechanically. Mechanical control methods approved for pignut are:

Cultivation - Cultivate three to five inches deep at intervals so as to permit the weeds to grow not more than 10 days after each emergence of first plants, but not to exceed intervals of three weeks. Cultivation shall be continued until the plants have been eradicated or have been suppressed to such an extent that remaining plants may be more economically destroyed by other treatment, as the application of approved chemicals to individual plants or by hand cultivation.

Grubbing - Small infestations should be grubbed out, taking care to remove all the tuberous nut-like roots. This grubbing must be repeated for at least two years annually for good control. It is important to clean roots and root fragments from equipment before entering uninfested areas of the field or other fields to prevent the spread of pignut.

## **Chemical Control**

Chemical weed control refers to any technique that involves the application of an herbicide to weeds or soil to control the germination or growth of the weed species. Cost share herbicides are available to landowners for the control of noxious weeds. While county weed departments may not carry all of the herbicides listed, the herbicides that are available for pignut are:

<b><u>Herbicide</u></b>	<b><u>Mode of Action</u></b>
2,4-D	4
picloram	2

## **Biological Control**

Biological pest control refers to the deliberate application of a living organism to control the spread of weeds. These agents will not eradicate their host plant; other control methods must be used in addition to biological control agents. The importation of biological control agents is regulated by the USDA and is allowed by permit only. Biological control agents permitted for use with pignut in Kansas are:

There are no biological controls approved for use on Pignut at this time.

## KANSAS DEPARTMENT OF AGRICULTURE

OFFICIAL CONTROL METHODS FOR  
QUACKGRASS

*Elymus repens* (L.) Gould  
Revised May 20, 2020

**DESCRIPTION**

Quackgrass is a cool-season perennial grass introduced from Eurasia. It reproduces by seed and rhizomes. Rhizomes are pale yellow or straw colored, cord-like about 1/8 inch in diameter and vary from 2-18 inches in depth, with new roots and plants emerging from nodes. Stems grow up to 3 feet tall with 3-6 joints. Leaves are 3-12 inches long, shiny, dark green, and bear two conspicuous, tooth-like projections where the blade joins the stem. The dry, lower sheaths, leaves, and stems are distinctly hairy; upper sheaths are hairless or nearly so. Tiny wind-pollinated flowers are borne in groups of 4-7 subtended by 2 unawned or short-awned glumes (each group is called a spikelet). Spikelets are flattened and mostly solitary at each node along a 2-4-inch long terminal spike. The grains are slender and about 1/4 inch long. Flowering June-August; fruiting July-October.

**PREVENTION OF SPREAD**

The Noxious Weed Law (K.S.A. 2-1313a et. seq.) requires all landowners to control the spread of and to eradicate quackgrass on all lands owned or supervised by them. Methods used for control must prevent both the production of viable seed and destroy the plant's ability to reproduce by vegetative means. Infestation sites must be monitored after control methods have been accomplished to ensure that dormant seeds in the seedbank do not germinate and establish new infestations.

**QUACKGRASS CONTROL PRACTICES**

Quackgrass control means that both the roots and the flowers must be destroyed. Because quackgrass is a perennial, with the exception of herbicide applications, one or more of the following methods must be used together to control quackgrass.

**Cultural Control**

Cultural weed control involves land and vegetation management techniques used to prevent the establishment or control the spread of noxious weeds.

Cattle and horses readily feed on quackgrass, but populations are only suppressed and rarely eradicated even with intensive grazing. Intensively grazing to 2 inches or less will reduce the dominance of quackgrass in an area. Horses and cattle enjoy eating rhizomes, and pigs will root through the soil to find them.

Frequent surveys of fence lines, roadway, ditches and other susceptible areas for new infestations and the quick removal of any new plants will prevent quackgrass from becoming established.

## **Mechanical Control**

Mechanical weed control involves the physical removal of all parts or just the reproductive parts of weeds.

As a perennial species, quackgrass is difficult to control mechanically. Repeated four-inch-deep tillage beginning in the hottest, driest part of the summer should suppress infestations. The disruption will separate rhizome buds from their parent plants and cause them to sprout, so tillage must be repeated whenever the new plants put out three leaves, throughout the season, to prevent the development of any new rhizomes. This tillage must be repeated annually for good control. It is important to clean roots and root fragments from equipment before entering uninfested areas of the field or other fields to prevent the spread of quackgrass. It is also not practical to clean cultivate over a two-year period because of the resulting wind and water erosion or loss of income due to no crop returns. Following a sequence of repeated tillage throughout the summer, a fall cover crop should be planted at a seeding rate of 2 to 2.5 bushels per acre.

## **Chemical Control**

The following herbicides may be used for cost-share with landowners. Other products labeled and registered for use on this noxious weed in Kansas may be used in accordance with label directions but are not available for cost-share. Be sure to follow all label directions and precautions. For additional information consult the most recent edition of the KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

Any two or more of the herbicides listed below may be available for cost-share as a pre-mix or a tank mix if allowed on the respective labels. Contact your county weed program for availability.

<b>Herbicide</b>	<b>Mode of Action</b>
diquat	22
fluazifop-p-butyl	1
glyphosate	9
nicosulfuron	2
sethoxydim	1
sulfosulfuron	2

## **Biological Control**

Biological control refers to the deliberate application of a living organism to control the spread of weeds. These agents will not eradicate their host plant, therefore other control methods must be used in addition to the use of biological control agents as part of an integrated pest management strategy. The importation of biological control agents is regulated by USDA-APHIS and is allowed by permit only.

There are no biological control agents available for quackgrass.

**KANSAS DEPARTMENT OF AGRICULTURE****OFFICIAL CONTROL METHODS FOR  
KUDZU**

*Pueraria montana* var. *lobata* (Willd.) Maesen & S.M. Almeida ex Sanjapp & Predeep  
**Revised May 20, 2020**

**DESCRIPTION**

Kudzu is a long-lived, semi-woody, vine with long runners that can cover the ground and climbing stems that can grow to 100 feet long and envelop nearby shrubs and trees. The long runners root at the nodes to form new plants. Older stems have a rough, bark-like covering and young stems bear abundant, spreading brown hairs. The leaves are alternate and compound with three leaflets; lower leaf surfaces are sparsely hairy while upper leaf surfaces are mostly hairless. Each leaflet is broadly ovate to triangular, 2-10 inches long and up to 6 inches wide, entire or 2-3 lobed and abruptly taper to a pointed tip. Showy, fragrant lavender to purple or reddish flowers up to ½ inch long are borne in short, dense racemes. Seed production is infrequent because of sparse blooming. The seed pods are 1½-3 inches long, papery and densely covered with fine brown hairs. Seeds are reddish-brown and hairy. Flowering and fruiting August-October.

**PREVENTION OF SPREAD**

The Noxious Weed Law (K.S.A. 2-1313a et. seq.) requires all landowners to control the spread of and to eradicate kudzu on all lands owned or supervised by them. Methods used for control must prevent both the production of viable seed and destroy the plant's ability to reproduce by vegetative means. Infestation sites must be monitored after control methods have been accomplished to ensure that dormant seeds in the seedbank do not germinate and establish new infestations.

**KUDZU CONTROL PRACTICES**

Kudzu control means that both the roots and the flowers must be destroyed. Because kudzu is a perennial, with the exception of herbicide applications, one or more of the following methods must be used together to control kudzu.

**Cultural Control**

Cultural weed control involves land and vegetation management techniques used to prevent the establishment or control the spread of noxious weeds.

The use of sheep, goats and especially cattle to graze kudzu may be used throughout the growing season. Repeat grazing each year to suppress the plant. Frequent surveys of fence lines, roadway, ditches and other susceptible areas for new infestations and the quick removal of any new plants will prevent kudzu from becoming established.

### **Mechanical Control**

Mechanical weed control involves the physical removal of all parts or just the reproductive parts of weeds.

As a perennial species, kudzu is difficult to control mechanically.

The only mechanical option for the control of kudzu would be to physically dig out the root crown and all vines in contact with the soil as these will resprout new plants. In larger, well established sites, this would be physically difficult and potentially hazardous. If an area of infestation is cleared, care must be taken to replant desirable species to prevent erosion and provide competition against re-infestation.

### **Chemical Control**

The following herbicides may be used for cost-share with landowners. Other products labeled and registered for use on this noxious weed in Kansas may be used in accordance with label directions but are not available for cost-share. Be sure to follow all label directions and precautions. For additional information consult the most recent edition of the KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

Any two or more of the herbicides listed below may be available for cost-share as a pre-mix or a tank mix if allowed on the respective labels. Contact your county weed program for availability.

<b><u>Herbicide</u></b>	<b><u>Mode of Action</u></b>
aminopyralid	4
dicamba	4
glyphosate	9
tebuthiuron	7
triclopyr	4

### **Biological Control**

Biological control refers to the deliberate application of a living organism to control the spread of weeds. These agents will not eradicate their host plant, therefore other control methods must be used in addition to the use of biological control agents as part of an integrated pest management strategy. The importation of biological control agents is regulated by USDA-APHIS and is allowed by permit only.

There are no biological control agents available for kudzu.

## KANSAS DEPARTMENT OF AGRICULTURE

OFFICIAL CONTROL METHODS FOR  
RUSSIAN KNAPWEED

Rhaponticum repens (L.) Hidalgo  
Revised May 20, 2020

**DESCRIPTION**

Russian knapweed is a perennial forb that was introduced from Asia. It reproduces by roots, rhizomes and seeds. Stems are up to 3 feet tall, often branched near the base, ridged, covered with soft white or gray hairs, and develop, from a particularly well-developed branching root system. Leaves are alternate and nearly hairless to moderately hairy: rosette and lower stem leaves are oblanceolate to broadly lanceolate or oblong, up to 4 inches long, and deeply lobed to nearly entire; upper stem leaves are progressively smaller, oblong, and toothed or entire. Flowers are all tubular, rose to purple or blue, and borne in flask-shaped heads, about 0.5-0.75 inch long. The heads are solitary on the ends of leafy branches. The seed-like fruits are an ivory to light brown, about 1/8 inch long, flattened, ovate, longitudinally-ridged, and topped with numerous capillary bristles 1/4–1/2 inch long. Flowering from June-August fruiting from August-September.

**PREVENTION OF SPREAD**

The Noxious Weed Law (K.S.A. 2-1313a et. seq.) requires all landowners to control the spread of and to eradicate Russian knapweed on all lands owned or supervised by them. Methods used for control must prevent both the production of viable seed and destroy the plant's ability to reproduce by vegetative means. Infestation sites must be monitored after control methods have been accomplished to ensure that dormant seeds in the seedbank do not germinate and establish new infestations.

**RUSSIAN KNAPWEED CONTROL PRACTICES**

Russian knapweed control means that both the roots and the flowers must be destroyed. Because Russian knapweed is a perennial, with the exception of herbicide applications, one or more of the following methods must be used together to control Russian knapweed.

**Cultural Control**

Cultural weed control involves land and vegetation management techniques used to prevent the establishment or control the spread of noxious weeds.

While palatability is considered low, the use of sheep or goats to graze Russian knapweed may be used during the early vegetative to flowering stage then repeated as necessary, after 8 to 10 inches of regrowth, to prevent the production of flowers. Repeat grazing each year to deplete the seedbank and provide control. Frequent surveys of fence lines, roadway, ditches and other susceptible areas for new infestations and the quick removal of any new plants will prevent Russian knapweed from becoming established.



### **Mechanical Control**

Mechanical weed control involves the physical removal of all parts or just the reproductive parts of weeds.

As a perennial species, Russian knapweed is difficult to control mechanically. Hand pulling or hoeing can be effective for small, less established infestations of Russian knapweed if repeated whenever the plant emerges during the growing season, over multiple years. Removal is generally easier and more effective in late spring when soil is moist and plants are beginning to bolt (but before seed set). It is very important to pull up all parts of the plant, especially the roots.

### **Chemical Control**

The following herbicides may be used for cost-share with landowners. Other products labeled and registered for use on this noxious weed in Kansas may be used in accordance with label directions but are not available for cost-share. Be sure to follow all label directions and precautions. For additional information consult the most recent edition of the KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

Any two or more of the herbicides listed below may be available for cost-share as a pre-mix or a tank mix if allowed on the respective labels. Contact your county weed program for availability.

<b>Herbicide</b>	<b>Mode of Action</b>
2,4-D LV Ester	4
aminopyralid	4
chlorsulfuron	2
dicamba	4
glyphosate	9
imazapic	2
imazapyr	2
picloram	4

### **Biological Control**

Biological control refers to the deliberate application of a living organism to control the spread of weeds. These agents will not eradicate their host plant, therefore other control methods must be used in addition to the use of biological control agents as part of an integrated pest management strategy. The importation of biological control agents is regulated by USDA-APHIS and is allowed by permit only.

The following agents are permitted for use on Russian knapweed. Other agents may be available for use if the appropriate permit is obtained.

Aulacidea acroptilonica	bud gall wasp
Jaapiella ivannikovi	bud gall midge
Subanguina picridis	leaf stem gall nematode



Appendix D.

## APPROVED HERBICIDES FOR COST SHARE

**Kansas Department of Agriculture**  
**Approved Herbicides for Cost Share**  
**May 20, 2020**

The following herbicides may be used for cost share with landowners for the control of noxious weeds only. The use of tank mixes or pre-mixes of two or more of the following herbicides may be available for cost share if approved by your county Weed Director and allowed in accordance with the appropriate labels. Other products labeled and registered for use on noxious weeds in Kansas may be used in accordance with label directions but are not available for cost share. Be sure to follow all label directions and precautions. For additional information consult the most recent edition of the KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

<b>Herbicide</b>	<b>Noxious Weeds</b>	<b>Mode of Action</b>
2,4-D	Field bindweed, Musk thistle, Canada thistle, Pignut	Group 4
2,4-D LV Ester	Bur ragweed, Leafy spurge, Hoary cress, Russian knapweed	Group 4
Aminopyralid	Musk thistle, Sericea lespedeza, Bur ragweed, Canada thistle, Kudzu, Russian knapweed	Group 4
Chlorsulfuron	Musk thistle, Sericea lespedeza, , Canada thistle, Hoary cress, Russian knapweed	Group 2
Clopyralid	Musk thistle, Canada thistle	Group 2
Dicamba	Field bindweed, Musk thistle, Bur ragweed, Canada thistle, Leafy spurge, Hoary cress, Kudzu, Russian knapweed	Group 4
Diflufenzopyr	Field bindweed, Musk thistle, Canada thistle, Leafy spurge	Group 19
Diquat	Quackgrass	Group 22
Fenoxaprop	Johnsongrass	Group 1
Florpyrauxifen-benzyl	Musk thistle, Bur ragweed, Canada thistle, Kudzu, Russian knapweed	Group 4
Fluazifop-P-Butyl	Johnsongrass, Quackgrass	Group 1
Fluroxypyr	Sericea lespedeza	Group 4
Foramsulfuron	Johnsongrass	Group 2
Glyphosate	Field bindweed, Musk thistle, Johnsongrass, Canada thistle, Leafy spurge, Quackgrass, Kudzu, Russian knapweed	Group 9
Imazapic	Field bindweed, Musk thistle, Johnsongrass, Leafy spurge, Russian knapweed	Group 2
Imazapyr	Field bindweed, Canada thistle, Hoary cress, Russian knapweed	Group 2
Metsulfuron-methyl	Musk thistle, Johnsongrass, Sericea lespedeza, Canada thistle, Hoary cress	Group 2
Nicosulfuron	Johnsongrass, Quackgrass	Group 2
Picloram	Field bindweed, Musk thistle, Johnsongrass, Sericea lespedeza, Bur ragweed, Canada thistle, Hoary cress, Pignut, Russian knapweed	Group 2

<b>Herbicide</b>	<b>Noxious Weeds</b>	<b>Mode of Action</b>
Primisulfuron	Johnsongrass, Quackgrass	Group 2
Quinclorac	Field bindweed	Group 4
Quizalofop-P	Johnsongrass	Group 1
Rimusulfuron	Johnsongrass	Group 2
Sethoxydim	Johnsongrass, Quackgrass	Group 1
Sulfometuron	Johnsongrass	Group 2
Sulfosulfuron	Johnsongrass, Quackgrass	Group 2
Tebuthiuron	Kudzu	Group 7
Triasulfuron	Musk Thistle	Group 2
Triclopyr	Sericea Lespedeza, Kudzu	Group 4



Appendix E.

## NOXIOUS WEED PROGRAM FORMS

## GENERAL NOTICE TO CONTROL NOXIOUS WEEDS

The Kansas Noxious Weed Law K.S.A. 2-1313A et seq requires all persons who own or supervise land in Kansas to control and eradicate all weeds declared noxious by legislative action. The weeds declared noxious are: field bindweed, musk thistle, Johnsongrass, bur ragweed, Canada thistle, sericea lespedeza, leafy spurge, hoary cress, quackgrass, Russian knapweed, kudzu and pignut.

\_\_\_\_\_ and \_\_\_\_\_ is /are County Option Noxious Weed/Weeds declared noxious by the Board of County Commissioners of \_\_\_\_\_ County. Notice is hereby given pursuant to the Kansas Noxious Weed Law to every person who owns or supervises land in \_\_\_\_\_ County that noxious weeds growing or found on such land shall be controlled and eradicated. Control is defined as preventing the production of viable seed and the vegetative spread of the plant.

Failure to observe this notice may result in the County:

1. Serving a legal notice requiring control of the noxious weeds within a minimum of five days. Failure to control the noxious weeds within the time period allowed may result in the county treating the noxious weeds at the landowner's expense and placing a lien on the property if the bill is not paid within 30 days or,
2. Filing criminal charges for non-compliance. Conviction for non-compliance may result in a fine of \$100 per day of non-compliance with a maximum fine of \$1,500.

The public is also hereby notified that it is a violation of the Kansas Noxious Weed Law to barter, sell or give away infested nursery stock or livestock feed unless the feed is fed on the farm where grown or sold to a commercial processor that will destroy the viability of the noxious weed seed. Custom harvesting machines must be labeled with a label provided by the Kansas Department of Agriculture and must be free of all weed seed and litter when entering the State and when leaving a field infested with noxious weeds. Additional information may be obtained from the \_\_\_\_\_ County Noxious Weed Department or by contacting the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502.



**OFFICIAL NOTICE  
FOR  
CONTROL AND ERADICATION OF NOXIOUS WEEDS**

OWNER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OPERATOR OR SUPERVISING AGENT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

LOCATION OF LAND: \_\_\_\_\_

\_\_\_\_\_ Sec. \_\_\_\_\_ Township \_\_\_\_\_ Range in \_\_\_\_\_ County, KS

You are hereby officially notified that an infestation of \_\_\_\_\_  
has been located on the above-described land owned or operated by you.

K.S.A. 2-1314 requires all persons to control the spread of and to eradicate all weeds declared by the Secretary of the Department of Agriculture to be noxious on all lands owned or supervised by them and to use such methods for that purpose and at such times as are approved and adopted by the Kansas Department of Agriculture.

K.S.A. 2-1323 provides: "Any person, association of persons, corporation, county or city official who shall violate or fail to comply with any of the provisions of this act and acts amendatory thereof or supplemental thereto shall be guilty of a misdemeanor and shall be punished upon conviction thereof by a fine of \$100 per day for each day of noncompliance up to a maximum of \$1,500.

**METHOD OF CONTROL OR ERADICATION TO BE FOLLOWED:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS METHOD OF CONTROL OR ERADICATION MUST BE COMPLETED BY:**

\_\_\_\_\_

**NOTIFY COUNTY WEED DIRECTOR WHEN THIS WORK IS COMPLETED.**

\_\_\_\_\_  
County Weed Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner or Supervising Agent

\_\_\_\_\_  
Date

**LEGAL NOTICE  
TO  
ERADICATE NOXIOUS WEEDS**  
(Pursuant to K.S.A. 2-1331)

**To:** \_\_\_\_\_  
(Owner)

**Address:** \_\_\_\_\_

**and To:** \_\_\_\_\_  
(Operator or Supervising Agent, if any)

**Address:** \_\_\_\_\_

Each of you are hereby notified that the following described real estate situated in \_\_\_\_\_  
County, Kansas, to wit: (legal description)

Has been found to be wholly or partially infested with \_\_\_\_\_. Said infestation covers approximately \_\_\_\_\_ acres. The name of the owner of this land as shown by the records of the County Clerk is \_\_\_\_\_. The name of the operator or supervising agent of the noxious weed-infested land as shown by the records of the County Clerk is \_\_\_\_\_.

Each of you are hereby further notified that you will have until the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to complete some method of control or eradication for each noxious weed named above; only official methods of control and eradication for each noxious weed specified above may be used. A copy of the Official Control and Eradication Method for each weed is attached hereto and made a part hereof.

You are hereby further notified that unless you complete an approved control method for each infestation of the noxious weeds listed above affecting the above-described real estate on or before the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, (time shall be not less than five days after mailing of the notice), the County Weed Supervisor of \_\_\_\_\_ County, Kansas may thereafter enter upon the above-described real estate, or cause the above-described real estate to be entered upon, as often as necessary, and will proceed with the use of an approved method, chosen by the County Weed Supervisor as may be best adapted for the eradication and control of the above-listed noxious weed(s) on the above-described real estate.

In addition, you may be prosecuted pursuant to K.S.A. 2-1323 and amendments thereto, and if convicted, fined \$100 per day for each day of noncompliance up to a maximum fine of \$1,500.

Each of you are hereby further notified that in the event it becomes necessary for the County Weed Supervisor to enter upon or cause entry upon the above-described real estate for the eradication and control of any infestation of noxious weeds, that the costs of such treatment by County Weed supervisor will be sent to you. The statement of costs shall include the total cost of material used, cost of labor and the charge for the use of the equipment. In addition, the statement shall include a penalty charge of ten percent (10%) of the total amount of said treatment costs. The unpaid balance of any such treatment costs, including such penalty charge shall draw interest from the date of treatment at the rate described for delinquent taxes pursuant to K.S.A. 79-2968 and amendments thereto. Unless you pay the above-named county on or before the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, such costs or unpaid balance thereof shall be spread upon the tax rolls of such county and shall become a lien against the above-described real estate, as provided by the law.

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Weed Supervisor of  
\_\_\_\_\_  
County, Kansas

## LEGAL NOTICE CHECKLIST

1. Do you have knowledge of the infestation? Your maps or notes from inspecting the property may be enough. Dated photographs are good insurance.
2. Did you publish the General Notice or send an Official Notice? Neither is required for a fall legal notice to treat musk thistle that went to seed in the summer.
3. Did you contact the landowner by regular mail, in person or by phone? If you sent an Official Notice, they were contacted. If you published a General Notice in the paper, you should make contact with the landowner.
4. Items that must be on, or included with, a Legal Notice:
  - a. Owner's name and address as shown on the records at the County Clerk's Office.
  - b. Operator or supervising agent, if known. Example: Owner – SCCC Railroad, Supervisor – Joe Blow, Maintenance Engineer.
  - c. Legal Description – Include the entire tract of land owned but give specific directions to where you found the problem. Example: SE $\frac{1}{4}$  12-2-8; most of the musk thistle is in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  12-2-8, but may be scattered throughout.
  - d. Approximate acres of each weed – Do not be conservative. If it is scattered or may be scattered throughout, list the total acreage for the tract of land.
  - e. Deadline for completion – The minimum is 5 days. (5 working days to be safe) for all noxious weeds. There is no maximum but give yourself time to treat before the weed goes to seed.
  - f. Official methods for each weed – Attach a copy of the Official Control Plan for each weed listed on the notice.
  - g. Statement – A statement that tells the landowner that if not controlled, you may enter as often as necessary to control the weed or the landowner may be prosecuted, and if convicted, fined \$100 per day up to \$1,500.
5. Send the notice by certified mail, return receipt requested, or have the notice delivered by the sheriff. You may have to pay mileage to the sheriff if you do this outside your county.
6. During the time period allowed on the notice, the landowner may purchase cost-share herbicides.
7. After the deadline on the notice, inspect the property and document failure to control, if that is the case, by taking photographs and having a witness along.
8. If livestock are present or anticipated, advise the landowner or operator that you will be treating or having the area treated, and with what you will be treating it.

9. If you suspect trouble, always bring a law enforcement officer with you when you enter the property.
10. Treat as often as necessary to control the infestation. ALWAYS treat according to the label and the official methods.

Send the itemized bill, full cost plus 10%, with the Proof of Notification when you are finished treating. Make sure the County Clerk and the Register of Deeds receive a copy. If it is placed upon the tax rolls, or as a lien on the property, discuss the collection procedure with the County Clerk. You may not be authorized to receive payment after that point.

**NOTICE AND ITEMIZED STATEMENT**  
(Pursuant to K.S.A. 2-1320)

**TO:** \_\_\_\_\_ Owner of Record

**PROPERTY**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ all in \_\_\_\_\_ County, Kansas

You are hereby notified that as of December 31, \_\_\_\_\_, your account with the \_\_\_\_\_ County/City Weed Department for labor and/or materials to control a noxious weed infestation on the above Described property remains unpaid.

**STATEMENT**

The itemized costs of treatment outstanding and unpaid as of December 31, \_\_\_\_\_ are as follows:

Material	\$ _____	<b>PLEASE MAKE PAYMENT WITHIN 30 DAYS TO:</b>
Labor	\$ _____	
Equipment	\$ _____	
Total you now owe	\$ _____	

If the total amount shown above is not paid within 30 days from the date of this notice a penalty charge of \$ \_\_\_\_\_ (10%) will be added to your account pursuant to K.S.A. 2-1320 and the total sum of \$ \_\_\_\_\_ will become a lien upon the above described property.

Please take notice that the unpaid balance of treatment costs and penalty will draw interest at the rate of 12% per annum (Rate set by K.S.A. 79-2004) from \_\_\_\_\_ (Date of Contract/Agreement).

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Weed Supervisor

**CERTIFICATE OF NOTIFICATION**

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
I hereby certify that at the direction of the Board of County Commissioners of  
\_\_\_\_\_ County, Kansas, I did mail the original above and foregoing  
**Notice and itemized Statement** certified in the United States mail, postage prepaid and  
return receipt requested, addressed as follows:

(Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

with one copy each hand-delivered to:

County Clerk \_\_\_\_\_ County, Kansas  
Register of Deeds \_\_\_\_\_ County, Kansas

All as required by K.S.A. 2-1320; a copy of which is attached to this document.

\_\_\_\_\_  
County Weed Supervisor

**2-1320. Unpaid costs of labor or material; itemized statement and notice to owner; penalties and interest; liens; copy of notice to register of deeds and county or city clerk; lien payable upon sale or transfer of ownership.**

In case the weed supervisor enters upon land or furnishes weed control materials pursuant to a contract or an agreement with an owner, operator or supervising agent of noxious weed infested land for the control of such noxious weeds and, as a result of such weed control methods, there are any unpaid accounts outstanding by December 31 of each year, the board of county commissioners or governing body of the city shall immediately notify or cause to be notified, such owner with an itemized statement as to the cost of material, labor and use of equipment and further stating that if the amount of such statement is not paid to the county or city treasurer wherein such real estate is located within 30 days from the date of such notice, a penalty charge of 10% of the amount remaining unpaid shall be added to the account and the total amount thereof shall become a lien upon such real estate. The unpaid balance of such account and such penalty charge shall draw interest from the date of entering into such contract at the rate prescribed for delinquent taxes pursuant to K.S.A. 79-2004, and amendments thereto. A copy of the statement, together with proof of notification, shall at the same time be filed with the register of deeds in such county and the county or city clerk, as the case may be, and if such amount is not paid within the next 30 days the county or city clerk, as the case may be, shall spread the amount of such statement upon the tax roll prepared by the clerk and such amount shall become a lien against the entire contiguous tract of land owned by such person or persons of which the portion so treated is all or a part, and shall be collected as other taxes are collected, and all moneys so collected shall be paid into the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program. If any land subject to a lien imposed under this section is sold or transferred, the entire remaining unpaid balance of such account plus any accrued interest and penalties shall become due and payable prior to the sale or transfer of ownership of the property, and upon collection shall be paid to the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program.



**NOTICE AND ITEMIZED STATEMENT**  
(Pursuant to K.S.A. 2-1332)

**TO:** \_\_\_\_\_ Owner of Record  
\_\_\_\_\_ Address of Record

**PROPERTY** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ all in \_\_\_\_\_ County, Kansas

**TO WHOM THIS MAY CONCERN:**  
You are hereby notified that pursuant to K.S.A. 2-1332, following legal notice as required by statute, I did enter, or cause to be entered, the above-described property on \_\_\_\_\_ to control a noxious weed infestation.  
(Date of Treatment)

**STATEMENT**

The itemized costs of treatment for the above described property were as follows:

Material	\$ _____	<b>PLEASE MAKE PAYMENT WITHIN 30 DAYS TO:</b> _____ _____ _____
Labor	\$ _____	
Equipment	\$ _____	
Total Cost	\$ _____	
Statutory 10% Penalty	\$ _____	
Total you now owe	\$ _____	

Please take notice that the unpaid balance of treatment costs and penalty charge shall draw interest at the rate of 12% per annum from the date of treatment. (Rate set by K.S.A. 79-2004).

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Weed Supervisor

**CERTIFICATE OF NOTIFICATION**

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I hereby certify that the original of the above and foregoing **Notice and Itemized Statement** was sent certified in the United states mail, postage prepaid and return receipt requested, addressed as follows:

(Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

with one copy each hand-delivered to:

County Clerk \_\_\_\_\_ County, Kansas  
Register of Deeds \_\_\_\_\_ County, Kansas

All as required by K.S.A. 2-1332; a copy of which is attached to this document.

\_\_\_\_\_  
County Weed Supervisor

**2-1322. Purchase and use of equipment and chemicals; sale of chemicals, price; charges for use of machinery and equipment; record of purchases, sales and charges.**

(a) The board of county commissioners, or the governing body of incorporated cities, cooperating with the secretary, shall purchase or provide for needed and necessary equipment and necessary chemical materials for the control and eradication of noxious weeds. The board of county commissioners of any county or the governing body of any city may use any equipment or apply any chemical materials purchased as provided for in this section, upon the rights-of-way and county-owned or managed property, for the treatment and eradication of species of plants that have not been declared noxious weeds.

(b) Except as provided in K.S.A. 2-1333, and amendments thereto, the board of county commissioners shall sell chemical materials to the landowners in its jurisdiction who have been assessed a tax by the county at a price fixed by the board of county commissioners 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 used in the control and eradication of noxious weeds, and may make such charge for the use of machines or other equipment and operators as may be deemed by the board of county [county] commissioners sufficient to cover the actual cost of operation. However, once the tax levying body of a county, city or township has appropriated a budget equivalent to 1.5 mills or more, the board of county commissioners may collect from the landowners in their jurisdiction 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.

(c) The board of county commissioners of a county that funds its noxious weed program from the county general fund shall sell chemical materials to the landowners in its jurisdiction who have been assessed a tax by the county at a price fixed by the board of county commissioners 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 used in the control and eradication of noxious weeds, and may make such charge for the use of machines or other equipment and the operators as may be deemed by the board of county commissioners sufficient to cover the actual cost of operation. However, once the tax levying body of a county, city or township has appropriated a budget equivalent to 1.5 mills or more, the board of county commissioners may collect from the landowners in its jurisdiction 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.

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

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

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

**WEED SUPERVISOR'S  
PAYMENT ADVISORY**

**TO:** County Clerk \_\_\_\_\_ County, Kansas

Register of Deeds \_\_\_\_\_ County, Kansas

**Property** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ all in \_\_\_\_\_ County, Kansas

Please be advised that payment in full has been received for all material, labor, equipment, penalty and interest due in connection with a **Notice and Itemized** K.S.A. 2-1332, as amended, on \_\_\_\_\_ .  
(Date filed)

Your kind attention to this matter is appreciated as is your assistance in our efforts to control Noxious weeds in Kansas. **Payment in full having been received, no further action on your part is required.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Weed Supervisor

**CERTIFICATE OF NOTIFICATION**

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I hereby certify that a copy of the above and foregoing **Weed Supervisor's Payment Advisory** was sent in the United States mail, postage prepaid, to the following:

(Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and the original hand delivered to the \_\_\_\_\_ County Register of Deeds office.

\_\_\_\_\_  
County Weed Supervisor

**2-1320. Unpaid costs of labor or material; itemized statement and notice to owner; penalties and interest; liens; copy of notice to register of deeds and county or city clerk; lien payable upon sale or transfer of ownership.**

In case the weed supervisor enters upon land or furnishes weed control materials pursuant to a contract or an agreement with an owner, operator or supervising agent of noxious weed infested land for the control of such noxious weeds and, as a result of such weed control methods, there are any unpaid accounts outstanding by December 31 of each year, the board of county commissioners or governing body of the city shall immediately notify or cause to be notified, such owner with an itemized statement as to the cost of material, labor and use of equipment and further stating that if the amount of such statement is not paid to the county or city treasurer wherein such real estate is located within 30 days from the date of such notice, a penalty charge of 10% of the amount remaining unpaid shall be added to the account and the total amount thereof shall become a lien upon such real estate. The unpaid balance of such account and such penalty charge shall draw interest from the date of entering into such contract at the rate prescribed for delinquent taxes pursuant to K.S.A. 79-2004, and amendments thereto. A copy of the statement, together with proof of notification, shall at the same time be filed with the register of deeds in such county and the county or city clerk, as the case may be, and if such amount is not paid within the next 30 days the county or city clerk, as the case may be, shall spread the amount of such statement upon the tax roll prepared by the clerk and such amount shall become a lien against the entire contiguous tract of land owned by such person or persons of which the portion so treated is all or a part, and shall be collected as other taxes are collected, and all moneys so collected shall be paid into the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program. If any land subject to a lien imposed under this section is sold or transferred, the entire remaining unpaid balance of such account plus any accrued interest and penalties shall become due and payable prior to the sale or transfer of ownership of the property, and upon collection shall be paid to the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program.

**2-1332. Notice of the costs of treatment; itemized statement, contents; filing with register of deeds and county clerk; payment plans; liens, payable on sale or transfer of ownership.**

In the event the weed supervisor enters or causes entry upon land to control any noxious weed infestation, after service of legal notice, such supervisor shall immediately, after completion of the control operation, notify or cause to be notified, by certified mail, the owner of such land with an itemized statement of the costs of treatment. Such costs of treatment shall include the total cost of chemical materials, labor and use of equipment. Such statement shall include a penalty charge of 10% of

the total amount of treatment costs. The unpaid balance of any such treatment costs including such penalty charge shall draw interest from the date of treatment at the rate prescribed for delinquent taxes pursuant to K.S.A. 79-2004, and amendments thereto. A copy of such statement, together with proof of notification, shall at the same time be filed with the register of deeds in such county and the county clerk, and if such amount is not paid within 30 days from the date of mailing of such notice, the county clerk shall record the amount of such statement upon the tax roll prepared by such county clerk and such amount shall become a lien against the entire contiguous tract of land owned by such person or persons of which the portion so treated is all or a part, and shall be collected as other taxes are collected and all moneys so collected shall be paid into the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program, except that not more than 25% of the cost of treating the portion of the entire contiguous tract of land so treated, as described and defined in the legal notice as provided in K.S.A. 2-1331, and amendments thereto, shall be recorded on the tax rolls against such land in any one year. The board of county commissioners may, after discussion with the landowner in question, develop a payment plan for the payment of the full amount of the lien over time. If, for any reason, the landowner should fail to fulfill the terms of such agreement, the board of county commissioners may collect the remainder of the amount owed as provided in K.S.A. 2-1320, and amendments thereto. All moneys collected through a payment plan shall be deposited with the county treasurer for credit to the county noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program. If any land subject to a lien imposed under this section is sold or transferred, the entire remaining unpaid balance of such account plus any accrued interest and penalties shall become due and payable prior to the sale or transfer of ownership of the property, and upon collection shall be paid to the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program.

**WEED SUPERVISOR'S  
RELEASE OF LIEN**

**TO:** Register of Deeds \_\_\_\_\_ County, Kansas

**Property** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ all in \_\_\_\_\_ County, Kansas

Please be advised that payment in full has been received for material, labor, equipment, penalty and interest due in connection with a **Notice and Itemized Statement** filed of record in your office pursuant to K.S.A. 2-1320 or K.S.A. 2-1332.

You are hereby notified and directed to release any claim or lien against the above described property there might be by virtue of the above described notice and itemized statement

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Weed Supervisor

**CERTIFICATE OF NOTIFICATION**

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I hereby certify that a copy of the above and foregoing **Weed Supervisor's Release of Lien** was sent in the United States mail, postage prepaid, to the following:

(Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and the original hand delivered to the \_\_\_\_\_ County Register of Deeds office

\_\_\_\_\_  
County Weed Supervisor

# ANNUAL NOXIOUS WEED ERADICATION PROGRESS REPORT; as required by KSA 2-1316.

County:
Noxious Weed Supervisor's Name:

**Instructions:** Complete and sign form. Submit a copy to Kansas Department of Agriculture by **March 15.**

### NOXIOUS WEED DEPARTMENT PERSONNEL

Name	Job Title	% Time Spent on Noxious Weeds

Monthly salary of the Noxious Weed Director \$ \_\_\_\_\_

### FINANCIAL SUMMARY

#### BUDGET

Budget for last year	
Mil levy for last year	
General Fund - Mill Equivalent (How many mills would your general fund budget be equal to?) .....	
County valuation for last year .....	

#### EXPENDITURES

Personnel services		
Contractual services		
Commodities		
<b>Chemical purchases</b> .....		*
*Other commodities .....		
Total Commodities		
Capital outlay		
<b>TOTAL EXPENDITURES</b>		

#### REVENUE

Budgeted carryover		
County appropriation (Tax funds & others) .....		
Current reimbursements		
<b>Chemical</b> .....		*
<b>Equipment &amp; Labor</b> .....		*
Other		
Total reimbursements		
Old accounts collected		
<b>TOTAL REVENUE</b>		
Carryover to next year's budget .....		



**CAPITAL OUTLAY FUND**

Beginning Balance		
Receipts		
Expenditures	Identify Purchases:	
	_____	
	_____	
	_____	
Ending Balance		

TOTAL ESTIMATED ACREAGE OF NOXIOUS WEEDS *							
	Private Lands	County Lands	Township Lands	State Lands	Federal Lands	City Gov. Lands	Total
<b>Category A</b>							
Leafy Spurge							
Hoary Cress							
Pignut							
Quackgrass							
Kudzu							
Russian knapweed							
<b>Subtotal</b>							
<b>Category B</b>							
Canada Thistle							
<b>Subtotal</b>							
<b>Category C</b>							
Field Bindweed							
Musk Thistle							
Sericea Lespedeza							
Johnsongrass							
Bur Ragweed							
<b>Subtotal</b>							
<b>TOTAL</b>							

**COUNTY OPTION WEEDS**

List the county-option noxious weeds declared in your county (if any):


## Annual Noxious Weed Eradication Progress Report Treatment Summary

County: \_\_\_\_\_

Year: \_\_\_\_\_

Acres Treated *							
Noxious Weed	Private	County	Township	State	Federal	City	Total
<b>Totals</b>							

Acres Treated with Approved Non-Chemical Methods					
Noxious Weed	Biological		Mechanical	Cultural	Total
<b>Totals</b>					

**HERBICIDE DISBURSEMENT SUMMARY \***

Chemical	Purchase Price	Cost Share Price	Formulation (wet or dry)	Total Disbursed in gal., #, oz., etc.
2,4-D				
2,4-D Amine				
Aminopyralid				
Dicamba				
Glyphosate				
Imazapic				
Imazapyr				
Metsulfuron Methyl				
Picloram				
Quinclorac				
Triclopyr				

**ENFORCEMENT SUMMARY**

Warning Notices		Enforcement Comments:
Legal Notices		
Court Cases		
Diversion Agreements		
Accounts to Tax Roll		
Meetings Sponsored		
Demonstration Plots		
Weed Free Forage Inspection		
Publish General Notice		

**SIGNATURES**

We certify this is a correct copy of the \_\_\_\_\_ County Noxious Weed Program.

We certify that \_\_\_\_\_ is employed as \_\_\_\_\_ County Noxious Weed Director.

\_\_\_\_\_  
Chairman, Board of County Commissioners

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Noxious Weed Director

\_\_\_\_\_  
Date

# ANNUAL NOXIOUS WEED ERADICATION PROGRESS REPORT – Treatment Summary for One Weed

County: \_\_\_\_\_ Year: \_\_\_\_\_ Weed Treated: \_\_\_\_\_

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
<b>Enforcement</b>													
Warning Notices													
Legal Notices													
Court Cases													
Diversion Agreements													
<b>Acreege Treated by Land Category</b>													
Private Lands													
Wheat													
Corn													
Soybeans													
Grain Sorghum													
CRP													
Range/Pasture													
Other Crops													
Fallow													
Non-Agricultural													
County Lands													
Township Lands													
State Lands													
Federal Lands													
City Gov. Lands													
<b>Total Acreege Treated</b>													

<b>Treatments with Approved Non-Chemical Methods</b>													
<b>Biological</b>													
<b>Mechanical</b>													
<b>Total Acreege Treated</b>													

# NOXIOUS WEED SURVEY WORKSHEET – Survey for One Weed

County: \_\_\_\_\_ Year: \_\_\_\_\_ Weed Surveyed: \_\_\_\_\_

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
<b>Acreage Infested by Land Category</b>													
<b>Private Lands</b>													
Wheat													
Corn													
Soybeans													
Grain Sorghum													
CRP													
Range/Pasture													
Other Crops													
Fallow													
Non-Agricultural													
County Lands													
Township Lands													
State Lands													
Federal Lands													
City Gov. Lands													
<b>Total Acreage Infested</b>													

	Total Acreage Found Infested	÷	Total Acreage Surveyed	X	Total Acreage of County	=	Estimated Acreage Infested	Noxious Weed Director's Adjustment of Estimated Acreage
Private Lands		÷		X		=		
Wheat								
Corn								
Soybeans								
Grain Sorghum								
CRP								
Range/Pasture								
Other Crops								
Fallow								
Non-Agricultural								
<b>Sub-Total of Private Lands</b>								
County Lands								
Township Lands								
State Lands								
Federal Lands								
City Gov. Lands								
<b>Total Estimated Acreage</b>								

# Management Plan

For \_\_\_\_\_ County

\_\_\_\_\_, County Weed Director

Specify the goals and priorities of the program for the coming year.

Specify the goals and priorities of the program for the next five years.

Describe the areas which noxious weed species are known to occur within the county and specific locations of new infestations and areas particularly susceptible to new infestations.

Field bindweed	
Musk thistle	
Sericea lespedeza	
Johnsongrass	
Bur ragweed	
Canada thistle	
Hoary cress	
Leafy spurge	
Quackgrass	
Kudzu	
Russian knapweed	

List any non-noxious invasive weed species you plan to control and the types of integrated weed control methods you plan on using on them.

List your planned integrated weed management goals and procedures, including but not limited to biological control agent selection and distribution, pesticide selection and application and cultural and mechanical controls.

Biological Controls

Chemical Controls

Cultural Controls

Mechanical Controls

Estimate the projected personnel, operations, and equipment costs of the proposed program.

Personnel costs	
Operations costs	
Equipment costs	

List the methods you plan to use to encourage compliance and the enforcement actions you will take if necessary.

List your plans for working with state and/or federal agencies to control the noxious weeds on state and/or federal lands.

Describe your education and outreach plans for the coming year. Include training and professional development for yourself and your staff. (Attend District meetings? Annual Conference? Recertification?)



List the facilities and equipment available for use in managing the noxious weeds in your county, including a list of the equipment available for rent to the public and the rent you charge.

Noxious Weed Department Employees			
Name	Title	Years of service in the Nx Wd Dept.	# Jobs within the county

I certify that this is the official \_\_\_\_\_ Management Plan of \_\_\_\_\_ County

\_\_\_\_\_, County Weed Director \_\_\_\_\_  
Date

\_\_\_\_\_, County Commissioner \_\_\_\_\_  
Date

\_\_\_\_\_, County Commissioner \_\_\_\_\_  
Date

\_\_\_\_\_, County Commissioner \_\_\_\_\_  
Date