

## 2023 Kansas Statutes

**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 right-of-ways 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\* 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.

**History:** L. 1937, ch. 1, § 9; L. 1945, ch. 3, § 5; L. 1957, ch. 7, § 7; L. 1976, ch. 6, § 2; L. 1979, ch. 5, § 2; L. 1988, ch. 3, § 2; L. 1991, ch. 4, § 2; L. 1999, ch. 154, § 30; L. 2004, ch. 101, § 31; L. 2018, ch. 77, § 13; July 1.