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KANSAS STATUTES ANNOTATED

Chapter 2. – AGRICULTURE

Article 13. – WEEDS

The Kansas Noxious Weed Law

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.

History: L. 2018, ch. 77, § 1; July 1.

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 (noddling) 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.

History: L. 1937, ch. 1, § 1; L. 1945, ch. 3, § 1; L. 1961, ch. 4, § 1; L. 1963, ch. 6, § 1; L. 1972, ch. 4, § 1; L. 1975, ch. 427, § 1; L. 1981, ch. 8, § 1; L. 1998, ch. 85, § 2; L. 1998, ch. 85, § 3; L. 2004, ch. 101, § 189; L. 2018, ch. 77, § 5; July 1.

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.

History: L. 1982, ch. 2, § 1; L. 1988, ch. 3, § 3; L. 1998, ch. 85, § 4; L. 1998, ch. 85, § 5; L. 2018, ch. 77, § 6; July 1.

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.

History: L. 2018, ch. 77, § 2; July 1.

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.

History: L. 2018, ch. 77, § 3; July 1.

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.

History: L. 1937, ch. 1, § 2; L. 1957, ch. 7, § 1; L. 1965, ch. 435, § 3; L. 2002, ch. 37, § 1; L. 2004, ch. 96, § 1; L. 2018, ch. 77, § 7; July 1.

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.

History: L. 1937, ch. 1, § 3; L. 1945, ch. 3, § 3; L. 1957, ch. 7, § 2; L. 1995, ch. 32, § 1; L. 2004, ch. 101, § 27; L. 2018, ch. 77, § 8; July 1.

Attorney General's Opinions:

Appointment of deputy county appraiser as noxious weed supervisor. 81-156.

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.

History: L. 1937, ch. 1, § 4; L. 1957, ch. 7, § 3; L. 1967, ch. 4, § 1; L. 1975, ch. 427, § 2; L. 2004, ch. 101, § 28; L. 2018, ch. 77, § 9; July 1.

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.

History: L. 1937, ch. 1, § 5; L. 1957, ch. 7, § 4; L. 1969, ch. 7, § 1; L. 1970, ch. 69, § 1; L. 1973, ch. 3, § 1; L. 1975, ch. 3, § 1; L. 1979, ch. 52, § 22; L. 1982, ch. 5, § 1; L. 1988, ch. 3, § 1; L. 1990, ch. 66, § 12; L. 1999, ch. 154, § 27; L. 2004, ch. 101, § 29; L. 2018, ch. 77, § 10; July 1.

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.

History: L. 1937, ch. 1, § 6; L. 1957, ch. 7, § 5; L. 1976, ch. 6, § 1; L. 1979, ch. 5, § 1; L. 1991, ch. 4, § 1; L. 1999, ch. 154, § 29; L. 2004, ch. 101, § 30; L. 2018, ch. 77, § 11; July 1.

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.

History: L. 2018, ch. 77, § 4; July 1.

Attorney General's Opinions:

Political subdivisions defined; eligibility to receive federal surplus property. 82-71.

Sale of chemicals for use on private property for noxious weed control; price. 83-106.

An authority organized pursuant to 12-2901 *et seq.* is not a municipality. 97-42.

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.

History: L. 1937, ch. 1, § 7; L. 1945, ch. 3, § 4; L. 1957, ch. 7, § 6; L. 1967, ch. 4, § 2; L. 1973, ch. 4, § 3; L. 1982, ch. 5, § 2; L. 1987, ch. 8, § 1; L. 1992, ch. 319, § 10; L. 2018, ch. 77, § 12; July 1.

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.

History: L. 1937, ch. 1, § 8; Feb. 26.

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 [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.

Attorney General's Opinion:

Sale of chemicals for use on private property for noxious weed control; price. 83-106.

Duty of counties to provide or sell chemicals; liability for damages. 86-173.

Weeds; record of purchase, sales and charges of chemicals and machinery; cost-sharing certificates. 90-40.

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.

History: L. 1937, ch. 1, § 10; L. 1957, ch. 7, § 8; L. 1995, ch. 215, § 1; L. 2018, ch. 77, § 14; July 1.

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.

History: L. 1937, ch. 1, § 11; Feb. 26.

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.

History: L. 1945, ch. 3, § 6; March 20.

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.

History: L. 1945, ch. 3, § 7; March 20.

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 state board of agriculture containing this section of the law.

History: L. 1945, ch. 3, § 8; L. 1957, ch. 7, § 9; L. 2004, ch. 101, § 32; July 1.

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.

History: L. 1945, ch. 3, § 9; March 20.

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.

History: L. 1945, ch. 3, § 11; L. 1957, ch. 7, § 10; L. 2018, ch. 77, § 15; July 1.

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.

History: L. 1973, ch. 4, § 1; L. 1986, ch. 6, § 1; L. 1995, ch. 32, § 2; L. 2004, ch. 101, § 33; L. 2018, ch. 77, § 16; July 1.

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.

History: L. 1973, ch. 4, § 2; L. 1982, ch. 5, § 3; L. 1987, ch. 8, § 2; L. 1992, ch. 319, § 11; L. 2018, ch. 77, § 17; July 1.

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.

KANSAS ADMINISTRATIVE REGULATIONS

4-8-13. Service of notices and statements. Notices and statements required by K.S.A. 2-1320 shall be deemed sufficient when given by serving: Upon the landowner or his agent or trustee; upon the executor or administrator of an estate of a deceased landowner; upon the guardian of the estate of a minor or other person under legal disability; or upon one of several joint owners; or, one of several tenants in common; by either:

(A) Personal delivery;

(B) certified mail.

Such notices and statements may be served by either:

(A) The county, district, or city weed supervisor;

(B) a county commissioner;

(C) the sheriff;

(D) a member of the governing body of a city, or the marshal, or a policeman of any city, having jurisdiction over land described in notice or statement. (Authorized by K.S.A. 1965 Supp. 2-1315; effective Jan. 1, 1966.)

4-8-14a. Definitions of herbicides approved for cost share. The Kansas department of agriculture's document titled "approved herbicides for cost share," dated December 20, 2006, is hereby adopted by reference. (Authorized by and implementing K.S.A. 2006 Supp. 2-1315; effective Oct. 21, 1991; amended Jan. 25, 1993; amended Sept. 27, 1993; amended Oct. 27, 2000; amended, T-4-5-27-04, May 27, 2004; amended Aug. 6, 2004; amended, T-4-5-20-05, May 20, 2005; amended, T-4-3-29-06, March 29, 2006; amended April 27, 2007.)

4-8-27. Adoption of musk thistle control program. (a) The control practices contained in the "official musk thistle control program," published by the Kansas department of agriculture on November 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of musk thistle in the state of Kansas. In addition, the biological control plans specified in K.A.R. 4-8-41 may also be used for the control and eradication of musk thistle in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2006 Supp. 2-1315; effective May 1, 1988; amended Jan. 22, 1990; amended June 1, 1992; amended Oct. 27, 2000; amended Aug. 6, 2004; amended, T-4-5-20-05, May 20, 2005; amended, T-4-3-29-06, March 29, 2006; amended April 27, 2007.)

4-8-28. Adoption of johnsongrass control program. (a) The control practices contained in the "official johnsongrass control program," published by the Kansas department of agriculture on November 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of johnsongrass in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2006 Supp. 2-1315; effective May 1, 1988; amended Jan. 25, 1993; amended Sept. 27, 1993; amended Oct. 27, 2000; amended Aug. 6, 2004; amended April 27, 2007.)

4-8-29. Adoption of field bindweed control program. (a) The control practices contained in the "official field bindweed control program," published by the Kansas department of agriculture on November 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of field bindweed in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2006 Supp. 2-1315; effective May 1, 1988; amended Oct. 27, 2000; amended Aug. 6, 2004; amended April 27, 2007.)

4-8-30. Adoption of hoary cress control program. (a) The control practices contained in the “official hoary cress control program,” published by the Kansas department of agriculture on November 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of hoary cress in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2006 Supp. 2-1315; effective May 1, 1988; amended Oct. 21, 1991; amended Aug. 6, 2004; amended April 27, 2007.)

4-8-31. Adoption of Russian knapweed control program. (a) The control practices contained in the “official Russian knapweed control program,” published by the Kansas department of agriculture on November 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of Russian knapweed in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2006 Supp. 2-1315; effective May 1, 1988; amended Aug. 6, 2004; amended April 27, 2007.)

4-8-32. Adoption of bur ragweed (bursage) control program. (a) The control practices contained in the “official bur ragweed (bursage) control program,” published by the Kansas department of agriculture on January 1, 2004, are hereby adopted by reference and shall apply to the control and eradication of bur ragweed in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2003 Supp. 2-1315; effective May 1, 1988; amended Sept. 27, 1993; amended Oct. 27, 2000; amended Aug. 6, 2004.)

4-8-33. Adoption of Canada thistle control program. (a) The control practices contained in the “official Canada thistle control program,” published by the Kansas department of agriculture on November 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of Canada thistle in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2006 Supp. 2-1315; effective May 1, 1988; amended Jan. 25, 1993; amended Aug. 6, 2004; amended, T-4-3-29-06, March 29, 2006; amended April 27, 2007.)

4-8-34. Adoption of leafy spurge control program. (a) The control practices contained in the “official leafy spurge control program,” published by the Kansas department of agriculture on November 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of leafy spurge in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2006 Supp. 2-1315; effective May 1, 1988; amended Oct. 29, 1990; amended Oct. 27, 2000; amended Aug. 6, 2004; amended, T-4-5-20-05, May 20, 2005; amended, T-4-3-29-06, March 29, 2006; amended April 27, 2007.)

4-8-35. Adoption of quackgrass control program. (a) The control practices contained in the “official quackgrass control program,” published by the Kansas department of agriculture on November 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of quackgrass in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2006 Supp. 2-1315; effective May 1, 1988; amended Aug. 6, 2004; amended April 27, 2007.)

4-8-36. Adoption of pignut control program. (a) The control practices contained in the “official pignut control program,” published by the Kansas department of agriculture on January 1, 2004, are hereby adopted by reference and shall apply to the control and eradication of pignut in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2003 Supp. 2-1315; effective May 1, 1988; amended Aug. 6, 2004.)

4-8-37. Adoption of kudzu control program. (a) The control practices contained in the “official kudzu control program,” published by the Kansas department of agriculture on January 1, 2004, are hereby adopted by reference and shall apply to the control and eradication of kudzu in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2003 Supp. 2-1315; effective May 1, 1988; amended Aug. 6, 2004.)

4-8-38. Secretary's approval of county, city or district weed supervisor employment. (a) The secretary of the state board of agriculture shall conditionally approve the employment of each county, city or district weed supervisor who:

- (1) has been employed as a weed supervisor by a county or city commission;
- (2) has earned a high school diploma or equivalent; and
- (3) has two years experience in governmental or commercial weed control work or in agricultural production.

Two years experience in college or trade school training related to weed control work may be substituted for work experience in weed control.

(b) Final approval of the employment shall be issued by the secretary when the county, city or district weed supervisor has:

- (1) obtained certification as a pesticide applicator in category 9a, regulatory pest control, noxious weed control, under the provision of K.S.A. 2-2438a *et seq.*; and
- (2) successfully completed the noxious weed basic short course offered by the Kansas state board of agriculture, plant health division.

(c) The secretary shall renew approval of the employment of a previously approved county, city or district weed supervisor who:

- (1) is still employed by the same county, city or district; and
- (2) is currently certified as a pesticide applicator as outlined in subparagraph (b)(1) of this regulation; and
- (3) has timely filed the annual weed eradication progress report and any other records or reports requested by the agency.

(d) The secretary's approval of the employment of any county, city, or district weed supervisor shall be withdrawn when the weed supervisor has failed to comply with any of the conditions in paragraph (c) of this regulation without just cause. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1316; effective May 1, 1988.)

4-8-39. Adoption of multiflora rose control program. (a) The control practices contained in the "official multiflora rose control program," published by the Kansas department of agriculture on November 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of multiflora rose in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2006 Supp. 2-1315; effective May 1, 1988; amended Jan. 1, 1989; amended Oct. 21, 1991; amended Aug. 6, 2004; amended April 27, 2007.)

4-8-40. Adoption of sericea lespedeza control program. (a) The control practices contained in the "official sericea lespedeza control program," published by the Kansas department of agriculture on January 1, 2004, are hereby adopted by reference and shall apply to the control and eradication of sericea lespedeza in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2003 Supp. 2-1315; effective May 1, 1988; amended Jan. 1, 1989; amended Oct. 29, 1990; amended Oct. 21, 1991; amended Jan. 25, 1993; amended, T-4-5-27-04, May 27, 2004; amended Aug. 6, 2004.)

4-8-41. Biological control plan. (a) No person shall use any predator, parasite, disease-causing organism, or any other substance or method to provide biological control of musk thistle without first having prepared a biological control plan that meets the requirements of this regulation. Each biological control plan shall state the area where biological controls are proposed. No person shall implement any part of a biological control plan unless that person first obtains both the written recommendation of the county noxious weed director for the area described in the plan and the written approval of the secretary. The location of a biological control area may be limited to specific areas where the application of herbicides would be difficult or inappropriate.

(b) No organism shall be used for the biological control of musk thistle except *Rhinocyllus conicus*, *Trichosirocalus horridus*, or any other organism approved by the Kansas department of agriculture as being effective for this purpose.

(c) A continuous musk thistle-free border shall be maintained around each site where biological control methods are used. This border zone shall be maintained free of musk thistle by either the application of approved chemicals or the use of approved cultural practices.

(d) Based upon the criteria set forth in subsection (e) below, the width of the border shall be specified by the county noxious weed director of the county in which the proposed biological control site is located. The width of the border shall not be less than 150 feet.

(e) The width of the border shall reflect the county noxious weed director's consideration of the following factors:

- (1) The direction of the prevailing wind during the months of June and July;
- (2) the presence of any shelter belts or hedgerows;
- (3) the direction of the slope of the terrain;
- (4) the density of the musk thistle population; and
- (5) the density of the population of the organism to be used.

(f) Each approved biological control area plan shall meet all of the following requirements:

(1) Herbicide treatments for the control of musk thistle, when necessary, shall be made only during the periods from October 1st through April 15th.

(2) Hay shall not be moved from within the biological control area unless the biological control area has been inspected and certified as musk thistle-free by the county noxious weed director within the seven days preceding the harvesting of the hay.

(3) The appropriate noxious weed control program shall be used to control any other noxious weed located within the biological control area.

(g) Failure to comply with any provision of an approved biological control plan or any provision of the Kansas noxious weed law or any rule and regulation promulgated thereunder shall constitute grounds for revocation of the biological control plan by the secretary. No approved biological control plan shall be revoked before the applicant has been given an opportunity to appear before the secretary or the secretary's designee regarding the proposed revocation. (Authorized by and implementing K.S.A. 2-1315; effective June 1, 1992; amended Oct. 27, 2000.)

4-8-42. Adoption of bull thistle control program. (a) The control practices contained in the "official bull thistle control program," published by the Kansas department of agriculture on November 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of bull thistle in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2006 Supp. 2-1315; effective Oct. 27, 2000; amended Aug. 6, 2004; amended, T-4-3-29-06, March 29, 2006; amended April 27, 2007.)

4-8-43. Noxious weeds; declaration of county as a sericea lespedeza disaster area. The board of county commissioners of any county may petition the Kansas secretary of agriculture to declare that county to be a sericea lespedeza disaster area. (a) The petition form, which shall be provided by the secretary, shall include the following information:

(1) The number of acres of sericea lespedeza identified on private land;

(2) the number of acres of sericea lespedeza identified on public land;

(3) the approximate amount of expenditures by private and public land managers to control the infestation;

(4) the county mil levy for noxious weeds and the extent to which the acres infested by sericea lespedeza are being treated; and

(5) a specific, practical action plan detailing the county's approach to contain and manage the acres infested with sericea lespedeza in the county.

(b) Following approval of the petition by the board of county commissioners, the petition shall be submitted to the secretary for approval or denial.

(c) A county may be designated as a sericea lespedeza disaster area by the secretary based upon the following criteria:

(1) The percent of land area in the county estimated to be infested with sericea lespedeza;

(2) the percent of acres known to have been treated for sericea lespedeza;

(3) a designation of whether or not the county is an exporter of native hay or mulch;

(4) the percent of mil levy for weed control that is dedicated to sericea lespedeza control; and

(5) a specification of whether the acreage of sericea lespedeza is equal to or greater than two percent of any of the following:

(A) The total land area of the county;

(B) the amount of private land in the county; or

(C) the amount of public land in the county.

(d) Random spot checks of counties designated as sericea lespedeza disaster areas may be conducted by the secretary to ensure consistent implementation as approved in the action plan. (Authorized by and implementing K.S.A. 2-1315, as amended by L. 2002, Ch. 37, Sec. 1; effective, T-4-1-2-03, Jan. 2, 2003; effective April 18, 2003.)

CONTROL PLANS

K.A.R. 4-8-14a

Kansas Department of Agriculture
Approved Herbicides for Cost Share
December 20, 2006

The following herbicides may be used for cost share with landowners. 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 current KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

- "2,4-D" means (2,4-dichlorophenoxy)acetic acid.
- "Aminopyralid" means 2-pyridine carboxylic acid, 4-amino-3,6-dichloro-2-pyridinecarboxylic acid.
- "Bromacil" means 5-bromo-6-methyl-3-(1-methylpropyl)-2,4-(1*H*,3*H*) pyrimidinedione.
- "Chlorsulfuron" means 2-chloro-*N*-[[[4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]benzenesulfonamide.
- "Clopyralid" means 3,6-dichloro-2-pyridinecarboxylic acid.
- "Dicamba" means 3,6-dichloro-2-methoxybenzoic acid.
- "Diflufenzopyr" means 2-[1-[[[(3,5-difluorophenyl)amino]carbonyl]hydrazono]ethyl]-3-pyridinecarboxylic acid.
- "Diquat" means 6,7-dihydrodipyrido[1,2- α :2',1'-*c*]pyrazinediium ion.
- "Fenoxaprop" means (□)-2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoic acid.
- "Fluazifop-P-Butyl" means (*R*)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid.
- "Fluroxypyr" means [(4-amino-3,5-dichloro-6-fluoro-pyridyl)oxy]acetic acid.
- "Foramsulfuron" means 2-[[[[4,6-dimethoxy-2-pyrimidinyl)amino]carbonyl]amino]sulfonyl]-4-(formylamino)-*N,N*-dimethylbenzamide.
- "Glyphosate" means *N*-(phosphonomethyl)glycine.
- "Imazapic" means (□)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-yl]-5-methyl-3-pyridinecarboxylic acid.
- "Imazapyr" means (□)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-yl]-3-pyridinecarboxylic acid.
- "Metsulfuron" means methyl 2-[[[[4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]benzoate.
- "Nicosulfuron" means 2-[[[[4,6-dimethoxy-2-pyrimidinyl)amino]carbonyl]amino]sulfonyl]-*N,N*-dimethyl-3-pyridinecarboxamide.
- "Picloram" means 4-amino-3,5,6-trichloro-2-pyridinecarboxylic acid.
- "Primisulfuron" means methyl 2-[[[[4,6-bis(difluoromethoxy)-2-pyrimidinyl]amino]carbonyl]amino]sulfonyl]benzoate.
- "Quinclorac" means 3,7-dichloro-8-quinolinecarboxylic acid.
- "Quizalofop-P" means (*R*)-2-[4-[(6-chloro-2-quinoxalyl)oxy]phenoxy]propanoic acid.
- "Sethoxydim" means 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one.
- "Sulfometuron" means methyl 2-[[[[4,6-dimethyl-2-pyrimidinyl)amino]carbonyl]amino]sulfonyl]benzoate.
- "Sulfosulfuron" means 1-(4,6-dimethoxypyrimidin-2-yl)-3-[(2-ethanesulfonyl-imidazo[1,2-*a*]pyridine-3-yl)sulfonyl]urea.
- "Tebuthiuron" means *N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N,N*-dimethylurea.
- "Triasulfuron" means 2-(2-chloroethoxy)-*N*-[[[4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]benzenesulfonamide.
- "Triclopyr" means [(3,5,6-trichloro-2-pyridinyl)oxy]acetic acid.
- "Trifluralin" means 2,6-dinitro-*N,N*-dipropyl-4-trifluoromethyl)benzenamine.

KANSAS DEPARTMENT OF AGRICULTURE

OFFICIAL

FIELD BINDWEED CONTROL PROGRAM

Revised November 1, 2006

DESCRIPTION

Field bindweed, a perennial, reproduces by seeds and rootstocks. The root system is extensive, extending to a depth of 20 to 30 feet. The smooth, slender stems twine or spread over the soil and vegetation. Leaves up to 2 inches long are alternate, simple, petioled, quite variable in size, and highly variable in shape. 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, they are about 1 inch across and usually borne singly in the axils of leaves. The flower stalk has two bracts 1/2 to 2 inches below the flower; the bracts, along with leaf shape and small flower size distinguish this plant from hedge bindweed. Seeds are dark, brownish-gray, are about 1/8 inch long, and have one rounded and two flattened sides.

HOW TO REDUCE NEW BINDWEED INFESTATIONS

Field bindweed is spread both by seed and by roots. New field bindweed infestations result from planting crop seed contaminated with bindweed seed or from portions of bindweed roots transported by tillage machinery. Harvesting equipment, manure from livestock fed contaminated feed, and grazing animals moved from infested to clean areas also cause new bindweed infestations. Seed is carried by birds, on feet of animals, or on wheels of machinery; and seeds or plant parts can be spread by road machinery. Bindweed seed is also carried in drainage water.

Small grain, forage, and legume seed should be cleaned before planting to remove seed of bindweed and other weeds. For livestock feed, one should use grain, hay, and other feedstuffs not infested with bindweed or other weeds difficult to control. If bindweed infested feed is fed to livestock the manure should not be spread on bindweed free land. Harvesting, tillage, and other machinery should be cleaned before it leaves a bindweed infested field.

BINDWEED CONTROL PRACTICES

Control of field bindweed shall mean preventing the production of viable seed and destroying the plant's ability to reproduce by vegetative means.

Bindweed seed is viable after remaining dormant in the soil for many years. Seeds brought near the soil surface by tillage, rodents, or other means will germinate under favorable conditions, resulting in new bindweed infestations.

Effective field bindweed control can be achieved by applying appropriate control practices. In developing a bindweed control program, one should consider the various alternative control practices and use one or more appropriate control practices for a particular cropland or noncropland area.

FIELD BINDWEED CONTROL PRACTICES FOR CROPLAND

Practices approved for controlling bindweed on cropland are: (1) Plant competitive crops, (2) Appropriate and timely cultivation, and (3) Application of herbicides registered for use in infested crops or on crop land with no growing crop. Often a combination of control practices results in a more effective program than does a single practice.

Competitive Cropping - Close-drilled sorghum or sudan grass seeded about July 1, after a period of intensive cultivation, provides effective competition for field bindweed. Narrow row grain sorghum may also be used. The effectiveness of all competitive crops depends on intensive cultivation during the bindweed growing season when land is not in crop.

Appropriate and Timely Cultivation - Intensive cultivation, if properly used, is effective in killing established bindweed. Intensive cultivation alone, however, is not usually practical because no crops can be grown during the cultivation period. Cultivation used with competitive crops can control bindweed. With small grains, the most favorable times for beginning cultivation are in the spring after bindweed growth has started, or in the fall after the grain has been harvested. The depth for cultivation in medium heavy soil is 4 inches. Bindweed cannot be controlled

satisfactorily if cultivation is delayed as long as 20 or 28 days after bindweed emergence.

FIELD BINDWEED CONTROL PRACTICES FOR NONCROPLAND

Practices approved for controlling bindweed on noncropland are: (1) hoeing and (2) application of appropriate herbicides.

Hoeing - In noncropland areas such as home gardens and flower beds and for horticultural or forestry plants, thorough hoeing every 10 days to 2 weeks during the growing season can control bindweed effectively.

It is essential to cut off all plants at each hoeing. Bindweed plants missed in hoeing replenish their reserves, which delays killing time. Results will not be satisfactory if bindweed plants are left outside the hoed area because those plants will supply food to the roots for a distance of about 10 feet, preventing the killing of established bindweed in the hoed area.

HERBICIDES APPROVED FOR CONTROLLING FIELD BINDWEED

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 current KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

- 2,4-D Amine or LV Ester
- Dicamba (Banvel, Clarity, Vanquish and others)
- Dicamba + 2,4-D (Banvel + 2,4-D)
- Glyphosate (Roundup and others)
- Dicamba + Glyphosate (Banvel + Roundup)
- Glyphosate + 2,4-D (Roundup + 2,4-D)
- Picloram (Tordon)
- Picloram + 2,4-D (Tordon + 2,4-D)
- Imazapyr (Arsenal)
- Imazapic (Plateau)
- Quinclorac (Paramount, Drive)
- Diflufenzopyr + Dicamba (Overdrive)
- Glyphosate + Diquat (QuickPro)
- Imazapic + Glyphosate (Journey)

BIOLOGICAL CONTROL PRACTICES

There are no biological controls approved for field bindweed at this time.

KANSAS DEPARTMENT OF AGRICULTURE

OFFICIAL

BULL THISTLE CONTROL PROGRAM

Revised November 1, 2006

DESCRIPTION

Bull thistle is a biennial that reproduces solely by seed. The lance-shaped rosette leaves are green on the upper side and light green on the lower side. The woolly character of the lower side may give it an almost grayish appearance. Mature leaves are moderately to coarsely lobed, with 3 to 4 points per lance-shaped lobe. Each point ends in a long stout, yellow spine, with numerous shorter spines between. Short, stiff hairs and frequently spines are found on the upper leaf surface. Leaves are short and broad, usually less than 12 inches in length, and very wavy or crinkled. Mature leaves are alternate and growing down the stem beyond their bases, causing the stalk to be "winged" and prickly, lobed leaf-like structures. The stems are stout, erect, branched and leafy to the heads. Considerable branching may be found in very young flower stalks. One to several small to intermediate sized purple flowers terminate the short, prickly-winged branches. Bull thistle flowers from July to September. Seeds are light, straw colored and oblong. The seeds are attached to parachute-like hairs (pappus) which allow for their dispersal by wind currents.

PREVENTION OF SPREAD OF BULL THISTLE

Bull thistle may be found throughout the State but occurs most frequently in the central and south central counties.

Bull thistle reproduces only by seed. The likelihood of new infestations will be reduced by any action to prevent the production and movement of seed. Planting weed free seed, feeding hay free of bull thistle seed and cleaning equipment before leaving infested areas are methods which will prevent the spread of bull thistle.

BULL THISTLE CONTROL PRACTICES

The control of bull thistle shall mean preventing the production of viable seed.

CULTURAL CONTROL

Mowing - Mow with a rotary mower between the first appearance of color and the first appearance of brown on the pappus of the earliest heads. Mow cleanly and closely and repeat as needed for control.

Hand Cutting - Digging - Dig the root at least two inches below ground level and remove all soil from the roots. **Pick heads that are beyond the bud stage and place in a tight container.** Bury the container at a landfill or other site that will not be unearthed.

HERBICIDES APPROVED FOR CONTROLLING BULL THISTLE

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 current KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

- 2,4-D Amine or LV Ester
- Chlorsulfuron (Telar)
- Dicamba (Banvel, Vanquish, Clarity and others)
- Dicamba + 2,4-D (Banvel, Vanquish, Clarity + 2,4-D)
- Picloram (Tordon)
- Picloram + 2,4-D (Tordon + 2,4-D)
- Metsulfuron methyl (Escort XP, Cimarron)
- Metsulfuron methyl + 2,4-D (Escort XP + 2,4-D)
- Imazapic (Plateau)
- Clopyralid + Triclopyr (Redeem R&P)

Triasulfuron + Dicamba (Rave)
Diflufenzopyr + Dicamba (Overdrive)
Imazapic + Glyphosate (Journey)
Aminopyralid (Milestone)
Clopyralid (Stinger)
Clopyralid + 2,4-D (Curtail)
Diflufenzopyr + Dicamba + 2,4-D
Diflufenzopyr + Dicamba + Picloram
Diflufenzopyr + Dicamba + Metsulfuron methyl

BIOLOGICAL CONTROL PLAN

Any biological plan must meet the requirements of K.A.R. 4-8-41

BUR RAGWEED (BURSAGE) CONTROL PROGRAM DESCRIPTION

A perennial, reproducing by underground root-stocks and seeds. Plant erect, 1 to 2 feet high, somewhat bushy, usually branching from the base and covered with fine, woolly hairs. The plant is purplish-white in appearance and grows from a well developed root system. Leaves alternate, or opposite, broadly ovate, pinnately 3-5 parted or entire, long-petioled, dusty white in color. The end segment of the leaves much larger than the other segments. Male flowers are in small drooping heads at the top of the plant and female flowers are in the axil of the leaves, usually one per leaf. Flowers in composite heads in short racemes. Seed cone shaped in heads 3-7 mm. long, with hooked spines or curved at tip. Seeds, September through November.

PREVENTION OF SPREAD OF BUR RAGWEED

The occurrence of new infestations of bur ragweed can be reduced by cleaning harvesting and tillage equipment before leaving infested areas.

BUR RAGWEED CONTROL PRACTICES

Control of bur ragweed shall mean preventing the production of viable seed and destroying the plant's ability to reproduce by vegetative means.

CULTURAL CONTROL

Intensive cultivation following application of 2,4-D applied in the ester form in early summer (May 25 to June 20) gives good control. This is followed by seeding a winter small grain and the following year intensive cultivation is started immediately after harvest. Except for the first cultivation after harvest, 2,4-D may be substituted for some of the tillage operations provided soil moisture is ample, and bur ragweed is growing rapidly.

Rapid stand reduction can be obtained by using alternate crop and fallow, but one year of fallow followed by two small grain crops may be used.

HERBICIDES APPROVED FOR CONTROLLING BUR RAGWEED (BURSAGE)

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 current KSU publication of [AChemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland](#).

2,4-D LVE

Dicamba + 2,4-D (Banvel, Vanquish, Clarity + 2,4-D)

Dicamba (Banvel, Vanquish, Clarity)

Glyphosate + Dicamba (Roundup + Banvel + nonionic surfactant)

Picloram (Tordon 22K)

Picloram + 2,4-D (Tordon 22K + 2,4-D)

Imazapic (Plateau)

BIOLOGICAL CONTROL

There are no biological controls approved for bur ragweed at this time.

KANSAS DEPARTMENT OF AGRICULTURE

OFFICIAL

CANADA THISTLE CONTROL PROGRAM
Revised November 1, 2006

DESCRIPTION

Introduced perennial from Eurasia. Reproduces by seeds and whitish, creeping rootstocks which send up new shoots every 8 to 12 inches. Plants 2 to 4 feet tall, branched above, with a well-developed, freely branching, fibrous root system. Leaves alternate, simple, oblong or lanceolate, irregularly lobed and spiny toothed, hairy when young, dark green. Flowers white or rose-purple in composite heads grouped at ends of top branches. They are usually dioecious, i.e. male and female flowers on different plants. For viable seed to be produced both male and female plants need to be present. Seeds about 1/8 inch long, smooth, light to dark brown color, oblong, slightly flattened and slightly curved, bear a white hairy pappus (parachute) at the top which helps support the seed in the air.

PREVENTION OF SPREAD OF CANADA THISTLE

The occurrence of new infestations of Canada thistle can be reduced by planting weed free seed, using livestock feeding materials free of Canada thistle seed and cleaning equipment before leaving infested fields. Close attention should be placed on any feed or seed materials imported from the northern and northwestern states. Quick identification and eradication of Canada thistle plants is essential to prevent its spread.

CANADA THISTLE CONTROL PRACTICES

Canada thistle control shall mean preventing the production of viable seed and destroying the plant's ability to reproduce by vegetative means.

CULTURAL CONTROL PRACTICES

First plants to appear should be destroyed by pulling or hoeing before becoming securely rooted. Canada thistles usually appear above ground in early spring. The decline in total food reserves in underground parts proceeds rapidly, then is slower until early summer when the plants bloom and are in their weakest stage. Cultivation begun then is usually most effective. Persistent cultivation, which destroys roots and rootstocks and exhausts food reserves, is effective in eradication. Avoid continuous small grain or row crops.

Combination of cultivation, crops and chemicals - One season of intensive cultivation followed by winter wheat or winter rye will eradicate a high percentage of Canada thistle. Bromegrass, established in a thistle infested area, sprayed with 3/4 pound of actual 2,4-D acid per acre over a two-year period is an effective control.

HERBICIDES APPROVED FOR CONTROLLING CANADA THISTLE

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 current KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

- 2,4-D Low Volatile Ester or Amine)
- Picloram (Tordon)
- Dicamba (Banvel, Clarity, Vanquish and others)
- Glyphosate (Roundup)
- Chlorsulfuron (Telar)
- Clopyralid (Stinger)
- Clopyralid + Triclopyr (Redeem R&P)
- Clopyralid + 2,4-D (Curtail)
- Aminopyralid (Milestone)
- Glyphosate + Diquat (QuickPro)
- Difufenzopyr + Dicamba + Picloram

BIOLOGICAL CONTROL PRACTICES

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

KANSAS DEPARTMENT OF AGRICULTURE

OFFICIAL

HOARY CRESS CONTROL PROGRAM

Revised November 1, 2006

DESCRIPTION

Introduced perennial from Eurasia. Reproduces by extensive root system, rhizomes and seeds. Plants grayish-green. Leaves 1 to 3 inches long, alternate, simple, oblong, toothed, the upper leaves are without petioles and attached directly to the stem with a broad clasping base. Flowers white and produced May to July, 1/8 inch across in showy compact racemes. Seed pods heart shaped, flattened, 3/32 inch long. Seeds, one in each valve, slightly flattened, granular, reddish brown, mature June to August.

PREVENTION OF SPREAD OF HOARY CRESS

New infestations of Hoary Cress may be reduced by planting weed free seed, feeding materials free of Hoary Cress seed and cleaning machinery prior to leaving infested areas.

HOARY CRESS CONTROL PRACTICES

Control of Hoary Cress shall mean preventing the production of viable seed and destroying the plant's ability to reproduce by vegetative means.

CULTURAL CONTROL PRACTICES

Cultural control practices have not been developed at this time.

HERBICIDES APPROVED FOR CONTROLLING HOARY CRESS

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 current KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

- 2,4-D LV Ester
- Dicamba (Banvel, Clarity, Vanquish and others)
- Metsulfuron methyl (Escort)
- Metulfuron methyl + 2,4-D + Dicamba (Cimmaron Max)

BIOLOGICAL CONTROL PRACTICES

There are no biological controls approved for the control of Hoary Cress at this time.

KUDZU CONTROL PROGRAM DESCRIPTION

Kudzu, (*Pueraria lobata*), is a long-lived, coarse, viney legume that covers the ground with long runners. The leaflets are found in groups of three (5-20 cm. in length). The leaflets are 2-3 lobed and abruptly taper to a pointed tip. The stems have rough bark-like covering. Large flowers, 15-20 cm., lavender to purple, set on seeds sparingly, because of sparse blooming. The seed pods, 4.5 to 5 cm. in length are papery and covered with fine hair. The long runners root at the nodes to form new plants. Crowns taken from old stands are used for planting.

PREVENTION OF SPREAD OF KUDZU

The occurrence of new infestations of Kudzu can be reduced by preventing the movement of root crowns or seed from infested areas.

KUDZU CONTROL PRACTICES

Kudzu should be eradicated as quickly as possible by approved chemical. Control of Kudzu shall mean preventing the production of viable seed and destroying the plant's ability to reproduce by vegetative means.

CULTURAL CONTROL PRACTICES

Cultural control methods for Kudzu are not developed at this time.

HERBICIDES APPROVED FOR CONTROLLING KUDZU

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 current KSU publication of [Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland](#).

Dicamba (Banvel, Clarity, Vanquish)
Glyphosate (Roundup)
Picloram (Tordon)
Triclopyr (Remedy, Garlon)

BIOLOGICAL CONTROL PRACTICES

There are no biological controls approved for Kudzu control at this time.

KANSAS DEPARTMENT OF AGRICULTURE

OFFICIAL

JOHNSONGRASS CONTROL PROGRAM

Revised November 1, 2006

DESCRIPTION

Upright perennial grass, reproducing by large rhizomes and seeds. Well adapted to hold its own in competition with crop plants. Stems up to 6 to 8 feet high or more, from a freely branching, stout, rhizome-possessing, fibrous root system. Leaves alternate, simple, relatively wide and long. Spikelets 1-flowered, in groups of 3, in rather open large panicles. Fruit a caryopsis or grain, finely striate, reddish-brown. Flowers from May till frost and seed to frost.

PREVENTION OF SPREAD OF JOHNSONGRASS

New infestations of Johnsongrass may be reduced by planting Johnsongrass free seed, using livestock feed that is free of Johnsongrass seed and cleaning machinery before leaving infested fields.

JOHNSONGRASS CONTROL PRACTICES

Control of Johnsongrass shall mean preventing the production of viable seed and destroying the plant's ability to reproduce by vegetative means.

Procedures to be used to control Johnsongrass shall include cultural control practices and chemical control or a combination of these two controls.

CULTURAL CONTROL PRACTICES

Cultivation may begin any time during the growing season and shall be done in such a manner as to cut off the entire plant at each operation (use a duckfoot or blade type implement). Cultivations shall be 3 to 5 inches deep at intervals of 14 to 18 days. When the plants have been so weakened that they emerge more slowly, the cultivation intervals may be extended to such time as will permit the plants to grow not more than 10 days after each emergence of first plants, but not to exceed intervals of 3 weeks. Cultivation shall be continued until the plants have been eradicated or have been suppressed to such extent that remaining plants may be more economically destroyed by the application of approved chemicals to individual plants or by hand cultivation.

In yards, flower gardens, lawns and among trees and shrubbery, hoeing and other effective means of thoroughly cutting the Johnsongrass at regular intervals, not to exceed 14 days during the growing season, shall be construed as intensive cultivation.

A combination of small grains and intensive cultivation may be used. Close grazing or mowing at 2 or 3 week intervals through the growing season and followed by late fall plowing, to expose the root stalks through the winter, is an accepted control practice.

HERBICIDES APPROVED FOR CONTROLLING JOHNSONGRASS

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 current KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

- Glyphosate (Roundup and others)
- Sulfometuron (Oust XP + nonionic surfactant)
- Trifluralin (Treflan)
- Fluazifop-P-butyl (Fusilade)
- Sethoxydim (Poast, Poast Plus)
- Fluazifop-P-butyl + Fenoxaprop-ethyl (Horizon 2000, Fusion)
- Primisulfuron (Beacon)
- Nicosulfuron (Accent)

Imazapic (Plateau)
Quizalofop (Assure)
Sulfosulfuron (Outrider)
Imazapic + Glyphosate (Journey)
Nicosulfuron + Rimsulfuron (Steadfast)
Foramsulfuron (Option)

BIOLOGICAL CONTROL PRACTICES

There are no biological controls approved for Johnsongrass control at this time.

KANSAS DEPARTMENT OF AGRICULTURE

OFFICIAL

LEAFY SPURGE CONTROL PROGRAM

Revised November 1, 2006

DESCRIPTION

Introduced perennial from Europe. Reproduces by seed and underground rootstocks. The creeping rootstocks give rise to roots and shoots every few inches. Plants are bright green, 2/3 to 2 feet high, in bunches from wide-spreading roots, with milky juice. Stems are branched at top, very stiff and woody when mature. Leaves oblong, scattered, except the whorl of lanceolate or oblanceolate bractlike yellow leaves at the base of the umbel. Flowers very small, greenish-yellow or with brownish spots, have a dark line down one side and a yellowish appendage at the point of attachment, seeds are borne in a three-lobed capsule (3 seeds per pod). Flowers May to September and seeds June to August.

PREVENTION OF SPREAD OF LEAFY SPURGE

The occurrence of new infestations of leafy spurge can be reduced by planting weed free seed, feeding livestock materials free of leafy spurge seed and cleaning equipment before leaving infested fields. Close attention should be placed on any feed or seed materials imported from the northern and north western states. Quick identification and destruction of leafy spurge plants is essential to prevent its spread.

LEAFY SPURGE CONTROL PRACTICES

Control of leafy spurge shall mean preventing production of viable seed and destroying the plant's ability to reproduce by vegetative means.

CULTURAL CONTROL PRACTICES

Cultivate every two weeks from the beginning of spring growth to August 1 and every three weeks thereafter until fall. Intensive cultivation between harvest and sowing of winter wheat or rye will reduce the stand of leafy spurge. Leafy spurge roots are easily transplanted. Clean the equipment before moving from the infested area to prevent spreading the infestation.

HERBICIDES APPROVED FOR CONTROLLING LEAFY SPURGE

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 current KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

- 2,4-D LV Ester
- Picloram (Tordon)
- Picloram + 2,4-D (Tordon + 2,4-D)
- Imazapic (Plateau) Follow label directions and precautions.
- Imazapic + Glyphosate (Journey)
- Diflufenzopyr + Dicamba + Picloram
- Glyphosate (Roundup and others)

BIOLOGICAL CONTROL PRACTICES

There are no biological control practices approved for leafy spurge control at this time. A potential nation wide leafy spurge biological control program is being considered by the USDA. Kansas will consider participation in such a program if it is implemented.

KANSAS DEPARTMENT OF AGRICULTURE

OFFICIAL

MULTIFLORA ROSE CONTROL PROGRAM

Revised November 1, 2006

DESCRIPTION

Multiflora rose is a perennial shrub, reproducing by seeds and sometimes rooting at the tips of drooping side canes. The stems are up to 10 feet long, in clumps and are arching or trailing, usually growing about 6 feet erect with the tips drooping almost to the ground. The stems are covered with many stiff thorns. The leaves are pinnately compound, usually with 7 or 9 leaflets. The leaflets are 3/4 to 1 1/2 inches long, elliptic, nearly smooth on the upper surface and paler with short hairs on the underside. The flowers are mostly white, sometimes pinkish, about 3/4 to 1 1/2 inches broad, and borne in a many-flowered panicle. The fruits (hips) are bright red, nearly round, and about 1/4 inch in diameter. The seeds are angular achenes.

PREVENTION OF SPREAD

Multiflora rose spreads primarily by seeds. Birds readily spread the seeds that germinate after passing through the digestive tract. Multiflora rose may also reproduce by rooting at the tips of drooping side canes. There is no practical action that can be taken to prevent the spread of multiflora rose.

MULTIFLORA ROSE CONTROL PRACTICES

Control of multiflora rose shall mean preventing the production of seed and destroying the plants ability to reproduce by vegetative means.

CULTURAL CONTROL PRACTICES

Mowing pastures several times a year will prevent multiflora rose seedlings from becoming established. Mowing may be difficult, however, in the rough, wooded pastures where the rose is most apt to be a problem. Once large bushes become established, a bulldozer may be the only practical control. However, even after bulldozing, some resprouting may occur, and seeds that have been spread readily germinate in the disturbed soil.

HERBICIDES APPROVED FOR CONTROLLING MULTIFLORA ROSE

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 costshare. Be sure to follow all label directions and precautions. For additional information consult the current KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

- 2,4-D LV Ester
- Dicamba (Banvel, Clarity, Vanquish)
- Glyphosate (Roundup).
- Picloram (Tordon)
- Imazapyr (Arsenal)
- Tebuthiuron (Spike 20P)
- Triclopyr + 2,4-D (Crossbow)
- Metsulfuron methyl (Escort XP, Cimarron)
- Metsulfuron methyl + dicamba +2,4-D (Cimarron Max)

BIOLOGICAL CONTROL PRACTICES

There are no biological controls approved for Multiflora rose control at this time. Rose rosette, a disease of multiflora rose native to Kansas continues to reduce the incidence of multiflora rose. Look for branches that display the "witches broom" effect and are reddish in color. The disease thought to be spread by mites is fatal to multiflora rose.

KANSAS DEPARTMENT OF AGRICULTURE

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MUSK THISTLE CONTROL PROGRAM

Revised November 1, 2006

DESCRIPTION

Musk thistle is primarily a biennial or winter annual but may occur as a summer annual. The leaves of musk thistle are deeply lobed, hairless, and are dark green with a light green mid-rib. A silver gray leaf margin is characteristic of each spine tipped lobe.

The leaf base extends down the stem to give the plant a winged appearance. Musk thistle is the first of the Kansas thistles to bloom in the spring. The terminal flower is large (1 2 to 3 inches in diameter), solitary and usually nodding or bent over slightly. The plant is freely branched and each branch may have one flower or more in addition to the terminal flower. The flowers are purple and are "powder puff" shaped. Seed dispersal begins 7 to 10 days after blooming. Seeds are straw-colored, oblong, and 1/8 inch in length.

The seeds are attached to parachute-like hairs (pappus) which allow for their dispersal by wind currents.

PREVENTION OF SPREAD OF MUSK THISTLE

Musk thistle may be found throughout the State with heaviest infestations found in the north eastern one third of the State.

Musk thistle reproduces only by seed. The likelihood of new infestations will be reduced by any action to prevent the production and movement of seed. Planting weed free seed, feeding hay free of musk thistle seed and cleaning equipment before leaving infested areas are methods which will prevent the spread of musk thistle.

MUSK THISTLE CONTROL PRACTICES

The control of musk thistle shall mean preventing the production of viable seed.

CULTURAL CONTROL

Mowing - Mow with a rotary mower before the first appearance of pink on the flowers. Mowing at full bloom will prevent seed production Mow cleanly and closely and repeat as needed for control.

Hand Cutting - Digging - Cut between the first appearance of pink and the first appearance of brown on the pappus of the earliest heads. Cutting 2 inches below ground level at any stage should kill the plant. **Pick heads that are beyond the bud stage and place in a tight container.** Bury the container at a landfill or other site that will not be unearthed.

HERBICIDES APPROVED FOR CONTROLLING MUSK THISTLE

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 current KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

- 2,4-D Amine or LV Ester
- Chlorsulfuron (Telar)
- Dicamba (Banvel, Clarity, Vanquish, and others)
- Dicamba + 2,4-D (Banvel + 2,4-D)
- Picloram (Tordon)
- Picloram + 2,4-D (Tordon + 2,4-D)
- Metsulfuron methyl (Escort XP, Ally, Cimarron)
- Metsulfuron methyl + 2,4-D (Escort XP + 2,4-D)
- Imazapic (Plateau)
- Clopyralid + Triclopyr (Redeem R&P)
- Triasulfuron + Dicamba (Rave)
- Dicamba + Diflufenzopyr (Overdrive)

Imazapic + Glyphosate (Journey)
Aminopyralid (Milestone)
Metsulfuron methyl + 2,4-D + Dicamba (Cimarron Max)
Clopyralid (Stinger)
Clopyralid + 2,4-D (Curtail)
Dicamba + Diflufenzopyr + 2,4-D
Dicamba + Diflufenzopyr + Picloram
Dicamba + Diflufenzopyr + Metsulfuron methyl

BIOLOGICAL CONTROL

Two insects for biological control of musk thistle are approved but must meet the requirements set forth in K.A.R. 4-8-41. Consult with your County Noxious Weed Director for more information.

PIGNOT CONTROL PROGRAM

DESCRIPTION

The plant has deep roots on which develop nut-like tubers 10 to 15 inches below the surface and are difficult to remove from the soil. This plant is a legume, the stems of which are 8 to 12 inches high, with a tuft of leaves at the base. The leaves are twice divided, 3 to 5 inches long, and there are usually 3 to 5 pairs of leaflets. The leaflets are oblong in shape, and from 1/12 to 1/4 inch long. The leaves have characteristic glandular dots. The flowers are of the pea-type, yellow or orange-red, and about one half inch long. The ovary of the flower is covered with peculiar tack-shaped glands. The pods are flat, about 1 to 1 1/2 inches long, and few to several seeded.

PIGNOT CONTROL PRACTICES

Control shall mean preventing the production of viable seed and destroying the plant's ability to reproduce by vegetative means.

CULTURAL CONTROL PRACTICES

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.

HERBICIDES APPROVED FOR CONTROLLING PIGNUT

The following herbicide 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 current KSU publication of [A Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland](#).

Picloram (Tordon)

BIOLOGICAL CONTROL PRACTICES

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

KANSAS DEPARTMENT OF AGRICULTURE

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QUACKGRASS CONTROL PROGRAM

Revised November 1, 2006

DESCRIPTION

Quackgrass is a perennial, reproducing by seed and underground rhizomes. Rhizomes are pale yellow or straw colored, cord-like about 1/8 inch in diameter and vary from 2 to 18 inches in depth, depending on soil type and treatment. Roots arise only at the nodes. Stems grow up to 3 feet tall with 3 to 6 joints. Leaves are wide, shiny, and dark green in color. The lower dry sheaths, leaves, and stems are distinctly hairy. Upper sheaths glabrous or nearly so. Terminal spikes are 2 to 4 inches long and have 3 to 7 short-awned florets in a spikelet. The seed, with infesting glumes, is elongated toward the slender, short-awned tip, broadest below the middle and tapered to the blunt base.

PREVENTION OF SPREAD OF QUACKGRASS

The occurrence of new infestations of quackgrass can be reduced by planting weed free seed, transplanting nursery stock free of quackgrass rhizomes, using livestock feed materials free of quackgrass seed and cleaning equipment before leaving infested fields. Particular attention should be given to grass seed or grass seed mixtures imported from the northern states.

QUACKGRASS CONTROL PRACTICES

Control of quackgrass shall mean preventing production of viable seed and destroying the plant's ability to reproduce by vegetative means.

CULTURAL CONTROL PRACTICES

Cultivation - Roots and rhizomes are killed by drying on the soil surface. Tillage with a heavy duty spring-tooth cultivator should be at a depth of 3 to 4 inches. The shovels of such an implement should be operated at a slightly lower depth for each successive cultivation. The first operation should be when growth starts in April. Succeeding cultivations should be made at intervals of about 1 week even though no growth of quackgrass is apparent.

Shallow cultivation or plowing in the late fall will expose rhizomes to freezing and drying during winter and reduces the stand and rapidity of spring growth. Intensive grazing before cultural operations are started is beneficial.

Competitive Crops - to be most effective, should be planted only after the quackgrass has been partially weakened by tillage. Closely drilled stands of sudan-grass or forage sorghum may be used. In gardens, a relatively close spacing of squash or pumpkins is effective.

CHEMICAL CONTROL PRACTICES

The following herbicide 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 the label directions but are not available for cost-share. Be sure to follow all label directions and precautions. For additional information consult the current KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

- Glyphosate (Roundup and others)
- Fluazifop-P-butyl (Fusilade)
- Diquat + Glyphosate (QuickPro)
- Nicosulfuron (Accent)
- Nicosulfuron + Rimsulfuron (Steadfast)
- Primisulfuron (Beacon)

BIOLOGICAL CONTROL PRACTICES

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

KANSAS DEPARTMENT OF AGRICULTURE

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RUSSIAN KNAPWEED CONTROL PROGRAM

Revised November 1, 2006

DESCRIPTION

Introduced from Asia. Perennial, reproducing by roots, rhizomes and seeds. Plants up to about 3 feet in height, from a particularly well-developed branching root system. Stems branched at base, striate, covered with downy-white hairs. Leaves of new shoots alternate, broadly lanceolate, a little toothed, somewhat whitish underneath. Lower leaves of plant rough; leaves of the flowering stems similar but much shorter. Flowers numerous, all tubular, rose to purple or blue, in composite heads which are flask-shaped, about 1-2 cm. long, solitary on the ends of leafy branches. Seeds are an ivory to light brown color, 2-3 mm. long, flattened, ovate shaped, longitudinal ridges, basal scar not oblique, with capillary pappus. Flowers, June - August. Seeds, August - September.

PREVENTION OF SPREAD OF RUSSIAN KNAPWEED

New infestations of Russian Knapweed may be reduced by planting weed free seed, feeding materials free of Russian Knapweed seed and cleaning equipment before leaving infested fields. Close attention should be placed on any feed or seed materials imported from the northern and north western states. Quick identification and destruction of Russian Knapweed plants is essential to prevent its spread.

RUSSIAN KNAPWEED CONTROL

Control of Russian Knapweed shall mean preventing production of viable seed and destroying the plant's ability to reproduce by vegetative means.

CULTURAL CONTROL PRACTICES

Cultural control methods have not been developed at this time.

HERBICIDES APPROVED FOR CONTROLLING RUSSIAN KNAPWEED

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 current KSU publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland".

2,4-D Low Volatile Ester
Dicamba (Banvel, Clarity, Vanquish and others)
Picloram (Tordon)
Imazapic (Plateau)
Imazapic + Glyphosate (Journey)

BIOLOGICAL CONTROL PRACTICES

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

SERICEA LESPEDEZA CONTROL PROGRAM DESCRIPTION

Perennial, stems erect, to 5 ft. tall, appressed hairy only along the ridges on the stem, leaves with 3 leaflets, leaflets less than 1 in. long and less than 1/4 in. wide, wedge-shaped (cuneate), flowers few (1-4) in the axils of the leaves from mid or late July to October, petals yellowish or tinged with purple, about 1/4 in. long, fruit (pod) about 1/8 in. long, roundish with pointed ends in outline, flattened.

PREVENTION OF SPREAD OF SERICEA LESPEDEZA

Sericea lespedeza spreads primarily by seeds. The method of seed dispersal is probably by animals. Persons planting mixtures of seeds for erosion control and for wildlife habitat should ensure sericea lespedeza is not included in the mix.

SERICEA LESPEDEZA CONTROL PRACTICES

Control of sericea lespedeza shall mean preventing production of viable seed.

CULTURAL CONTROL PRACTICES

Rangeland - Prescribed burning at the proper time (late spring) followed by intensive-early stocking (double stock until July 15 and then remove cattle) may reduce the occurrence of sericea lespedeza. Mature cattle grazing early in the season are more apt to utilize sericea lespedeza.

Tame pastures - Proper fertilization and grazing during April and May may reduce the occurrence. Late grazing or no grazing will increase sericea lespedeza.

Grazing infested areas with sheep and goats will provide effective control of sericea lespedeza.

Mowing in the late bud stage for 2 to 3 consecutive years from mid-July to late summer should reduce the vigor of the stand.

HERBICIDES APPROVED FOR CONTROLLING SERICEA LESPEDEZA

The following herbicides maybe 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 current Kansas State University publication of "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Noncropland."

Pasture and Rangeland -

Metsulfuron methyl (Escort XP, Ally, Cimarron)
Triclopyr (Remedy, Garlon)
Triclopyr + Fluroxypyr

BIOLOGICAL CONTROL PRACTICES

There are no biological controls approved for sericea lespedeza at this time.