

**K.A.R. 4-8-13. Service of notices and statements.** (a) Service of notices and statements required by K.S.A. 2-1320, and amendments thereto, shall be deemed sufficient when ~~given by serving;~~ made upon the owner of the land to which the notice or statement pertains or the landowner; landowner's or his agent or trustee; ~~upon~~ the executor or administrator of ~~an~~ the estate of a deceased landowner; ~~upon~~ the guardian or conservator of the estate of a minor or ~~other person under legal disability;~~ legally disabled person, or ~~upon~~ one of several joint owners; or, ~~one of several~~ tenants in common; ~~by either~~ of the following means:

(A) (1) Personal delivery; or

(B) (2) certified mail.

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

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

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

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

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

(c) If personal service or service by certified mail cannot be achieved within 45 days of the date on which any weed control activities are performed pursuant to K.S.A. 2-1320 and

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amendments thereto, then the notice or statement may be posted at the property where the weed control activity was performed, and the posting shall be considered valid notice. (Authorized by and implementing K.S.A. 1965 2019 Supp. 2-1315 and 2-1320; effective Jan. 1, 1966; amended P-\_\_\_\_\_.)

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**K.A.R. 4-8-14a. Definitions of Herbicides approved for ~~cost-share~~ cost-share.** The Kansas department of agriculture's document titled "approved herbicides for ~~cost-share~~ cost-share," dated ~~December 20, 2006~~ May 20, 2020, is hereby adopted by reference. (Authorized by and implementing K.S.A. ~~2006~~ 2019 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; amended P-\_\_\_\_\_.)

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**K.A.R. 4-8-27. Adoption of control methods for musk thistle control program. (a)**

The Kansas department of agriculture's control practices contained in the document titled "official control methods for musk thistle control program," published by the Kansas department of agriculture on November 1, 2006 dated May 20, 2020, are is 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. If a county, city, township, or district weed supervisor determines that musk thistles in the weed supervisor's county, city, township, or district have reached a stage of maturity that will render the weed control methods currently being used in that county, city, township, or district ineffective, the weed supervisor may give notice requiring the effective control methods to be implemented within 10 business days of the date the notice was issued. (Authorized by and implementing K.S.A. ~~2006~~ 2019 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; amended P-\_\_\_\_\_.)

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**K.A.R. 4-8-28. Adoption of control methods for Johnsongrass control program. (a)**

The ~~control practices contained in the~~ Kansas department of agriculture's document titled  
"official control methods for Johnsongrass control program," ~~published by the Kansas~~  
~~department of agriculture on November 1, 2006~~ dated May 20, 2020, ~~are~~ is 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 2019  
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; amended P-\_\_\_\_\_.)

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**K.A.R. 4-8-29. Adoption of control methods for field bindweed control program. (a)**

The control practices contained in the Kansas department of agriculture's document titled "official control methods for field bindweed control program," published by the Kansas department of agriculture on November 1, 2006 dated May 20, 2020, are is 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 2019 Supp. 2-1315; effective May 1, 1988; amended Oct. 27, 2000; amended Aug. 6, 2004; amended April 27, 2007; amended P-\_\_\_\_\_.)

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**K.A.R. 4-8-30. Adoption of control methods for hoary cress control program. (a)**

The ~~control practices contained in the~~ Kansas department of agriculture's document titled "official control methods for hoary cress control program," ~~published by the Kansas department of agriculture on November 1, 2006,~~ dated May 20, 2020, ~~are~~ is 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 2019 Supp. 2-1315; effective May 1, 1988; amended Oct. 21, 1991; amended Aug. 6, 2004; amended April 27, 2007; amended P-\_\_\_\_\_.)

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**K.A.R. 4-8-31. Adoption of control methods for Russian knapweed control program.**

(a) ~~The control practices contained in the Kansas department of agriculture's document titled "official control methods for Russian knapweed control program," published by the Kansas department of agriculture on November 1, 2006~~ dated May 20, 2020, ~~are~~ is 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~~ 2019 Supp. 2-1315; effective May 1, 1988; amended Aug. 6, 2004; amended April 27, 2007; amended P-\_\_\_\_\_.)

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**K.A.R. 4-8-32. Adoption of control methods for bur ragweed (bursage) control**

**program.** (a) ~~The control practices contained in the Kansas department of agriculture's~~ document titled "official control methods for bur ragweed (bursage) control program," ~~published by the Kansas department of agriculture on January 1, 2004~~ dated May 20, 2020, ~~are~~ is 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 2019 Supp. 2-1315; effective May 1, 1988; amended Sept. 27, 1993; amended Oct. 27, 2000; amended Aug. 6, 2004; amended P-\_\_\_\_\_.)

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**K.A.R. 4-8-33. Adoption of control methods for Canada thistle control program. (a)**

The ~~control practices contained in the Kansas department of agriculture's document titled~~ "official control methods for Canada thistle control program," ~~published by the Kansas department of agriculture on November 1, 2006~~ dated May 20, 2020, are is 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 2019 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; amended P-\_\_\_\_\_.)~~

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**K.A.R. 4-8-34. Adoption of control methods for leafy spurge control program. (a)**

The ~~control practices contained in the Kansas department of agriculture's document titled~~ "official control methods for leafy spurge control program," ~~published by the Kansas department of agriculture on November 1, 2006~~ dated May 20, 2020, ~~are~~ is 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~~ 2019 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; amended P-\_\_\_\_\_.)

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**K.A.R. 4-8-35. Adoption of control methods for quackgrass control program.** (a) The control practices contained in the Kansas department of agriculture's document titled "official control methods for quackgrass control program," published by the Kansas department of agriculture on ~~November 1, 2006~~ dated May 20, 2020, are ~~is~~ 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~~ 2019 Supp. 2-1315; effective May 1, 1988; amended Aug. 6, 2004; amended April 27, 2007; amended P-\_\_\_\_\_.)

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**K.A.R. 4-8-36. Adoption of control methods for pignut control program.** (a) The control practices contained in the Kansas department of agriculture's document titled "official control methods for pignut control program," published by the Kansas department of agriculture on ~~January 1, 2004~~ dated May 20, 2020, are ~~is~~ 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~~ 2019 Supp. 2-1315; effective May 1, 1988; amended Aug. 6, 2004; amended P-\_\_\_\_\_.)

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**K.A.R. 4-8-37. Adoption of control methods for kudzu control program.** (a) The ~~control practices contained in the Kansas department of agriculture's document titled "official control methods for kudzu control program," published by the Kansas department of agriculture on January 1, 2004~~ dated May 20, 2020, ~~are~~ is 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~~ 2019 Supp. 2-1315; effective May 1, 1988; amended Aug. 6, 2004; amended P-\_\_\_\_\_.)

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**K.A.R. 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~~

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

(b) Any individual seeking employment of each as a county, city, township, or district weed supervisor who:

(1) ~~has been employed as a weed supervisor by a county or city commission; may be~~ conditionally approved for employment by the secretary if the individual has education, training, or experience sufficient to allow the individual to carry out the employment duties of a county, city, township, or district weed supervisor.

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

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

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

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

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

(2) is currently certified as a pesticide applicator as ~~outlined~~ specified in subparagraph paragraph (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~~ secretary.

~~(d)~~ (e) ~~The secretary's~~ Approval of the employment of any county, city, township, or district weed supervisor shall be withdrawn by the secretary if the county, city, township, or district when the weed supervisor has failed, without just cause, to comply with any of the conditions requirements specified in paragraph subsection (c) of this regulation without just cause. (Authorized by K.S.A. 2019 Supp. 2-1315; implementing K.S.A. 2019 Supp. 2-1316; effective May 1, 1988; amended P-\_\_\_\_\_.)

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**K.A.R. 4-8-39.** (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; revoked P-\_\_\_\_\_.)

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**K.A.R. 4-8-40. Adoption of control methods for sericea lespedeza control program.**

(a) ~~The control practices contained in the Kansas department of agriculture's document titled "official control methods for sericea lespedeza control program," published by the Kansas department of agriculture on January 1, 2004 dated May 20, 2020, are~~ is 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 2019 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; amended P-\_\_\_\_\_.)

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**K.A.R. 4-8-41.** (Authorized by and implementing K.S.A. 2-1315; effective June 1, 1992;  
amended Oct. 27, 2000; revoked P-\_\_\_\_\_.)

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**K.A.R. 4-8-42.** (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; revoked P-\_\_\_\_\_.)

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**K.A.R. 4-8-43.** (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; revoked P-\_\_\_\_\_.)

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**K.A.R. 4-8-44. Designation of noxious weeds.** (a) Pursuant to K.S.A. 2-1314 and amendments thereto, the weeds designated noxious by the secretary shall be placed in the following categories:

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

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

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

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

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

(c) Category B noxious weeds shall be subject to control wherever populations have become established within the state and subject to control efforts directed at eradication wherever

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populations are not established. Category B noxious weeds shall include Canada thistle, *Cirsium arvense*.

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

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

(e) Any county, city, township, or district weed supervisor or any official of another government agency may require the most stringent control measures specified in this regulation for any noxious weed, regardless of the category in which this regulation places that noxious weed, if the county, city, township, or district weed supervisor or government agency official determines that it is necessary to do so based on the results of the survey provided pursuant to K.S.A. 2-1316, and amendments thereto. (Authorized by and implementing K.S.A. 2019 Supp. 2-1314 and 2-1315; effective P-\_\_\_\_\_.)

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**K.A.R. 4-8-45. Official control plans.** (a) Each official control plan adopted by the secretary shall be based on the most current available science and shall include, if applicable, biological, chemical, cultural, and mechanical methods of control.

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

(c) The control of each noxious weed species shall be undertaken in accordance with the official control plan adopted by the secretary for that noxious weed species. (Authorized by and implementing K.S.A. 2019 Supp. 2-1315; effective P-\_\_\_\_\_.)

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**K.A.R. 4-8-46. Annual report.** Each annual weed eradication progress report that a weed supervisor submits to the secretary pursuant to K.S.A. 2-1316, and amendments thereto, shall include, at a minimum, the following:

(a) The approximate acreage of land, including roadside areas, currently infested with each species of noxious weed and the location of each infestation in the county;

(b) the dollar amount of all expenditures made during the year to purchase materials, chemicals, and other equipment for the control of noxious weeds;

(c) the dollar amount of all sales made during the year, for cash or charge, of materials, chemicals, and other equipment for the control of noxious weeds;

(d) the dollar amount of all charges and receipts made during the year for use of equipment owned by each county, city, township, or district on public or private land;

(e) the approximate acreage of land, including roadside areas, treated for each species of noxious weed during the year and the control methods used for treatment; and

(f) any other relevant information that the secretary deems necessary. (Authorized by K.S.A. 2019 Supp. 2-1315; implementing K.S.A. 2019 Supp. 2-1315 and 2-1316; effective P-  
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**K.A.R. 4-8-47. Management plan.** Each county, city, township, or district weed supervisor, with the aid of that county, city, township, or district weed supervisor's board of county commissioners or city or township board, shall submit a management plan to the secretary no later than March 15 of each year pursuant to K.S.A. 2-1316, and amendments thereto. Each management plan shall be submitted on a form provided by the department and shall include, at a minimum, the following:

(a) The goals and priorities of the county, city, township, or district's noxious weed control program;

(b) the distribution and abundance of each noxious weed species known to exist within the county, city, township, or district; specific locations of new infestations; and areas particularly susceptible to new infestations;

(c) integrated weed management goals and procedures, including goals and procedures regarding biological control agent selection and distribution, pesticide selection and application, and cultural and mechanical controls;

(d) the estimated personnel, operations, and equipment costs of the proposed program;

(e) a compliance plan or strategy;

(f) a strategy for working with state agencies to control noxious weeds on state lands; and

(g) any other relevant information that the secretary deems necessary. (Authorized by K.S.A. 2019 Supp. 2-1315; implementing K.S.A. 2019 Supp. 2-1315 and 2-1316; effective P-  
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**K.A.R. 4-8-48. Contents of notices and statements.** Each notice or statement given to the owner, operator, or supervising agent of any noxious weed-infested land pursuant to K.S.A. 2-1331, and amendments thereto, shall include, at a minimum, the following:

- (a) The legal description of the noxious weed-infested land;
- (b) the name of the owner, operator, or supervising agent of the noxious weed-infested land, as indicated by the records of the clerk of the county where the land is located;
- (c) the approximate acreage of the noxious weed infestation or infestations specified in the notice or statement;
- (d) the official methods adopted by the secretary for the control of the noxious weeds specified in the notice or statement;
- (e) a time frame, which shall not be fewer than five days after mailing the notice, in which the owner or operator or supervising agent of the noxious weed-infested land shall implement the required noxious weed control methods;
- (f) a statement that if the owner, operator, or supervising agent fails to implement the required noxious weed control methods within the time frame provided in the notice or statement, the county, city, township, or district weed supervisor may enter the noxious weed-infested land or cause the noxious weed-infested land to be entered upon as often as necessary to control the noxious weed infestation and may use approved noxious weed control methods that the county, city, township, or district weed supervisor deems best adapted for the control of noxious weeds on the particular area of land;
- (g) a statement that if the county, city, township, or district weed supervisor enters the noxious weed-infested land or causes the noxious weed-infested land to be entered upon to

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control the noxious weed infestation, the owner, operator, or supervising agent shall be served notice of the costs of treatment pursuant to K.S.A. 2-1332, and amendments thereto; and

(h) a statement that the owner, operator, or supervising agent may be prosecuted pursuant to K.S.A. 2-1323, and amendments thereto, and, if convicted, fined as established by law.

(Authorized by K.S.A. 2019 Supp. 2-1315, 2-1331, and 2-1332; implementing K.S.A. 2019 Supp. 2-1315 and 2-1331; effective P-\_\_\_\_\_.)

APPROVED

NOV 02 2020

DIVISION OF THE BUDGET

APPROVED

NOV 03 2020

DEPT. OF ADMINISTRATION

APPROVED

NOV 16 2020

ATTORNEY GENERAL