

HOUSE BILL No. 2661

By Committee on Agriculture and Natural Resources

1-23

9 AN ACT concerning grain commodity commissions; amending K.S.A.
10 2007 Supp. 2-3002 and 2-3007 and repealing the existing sections.

11

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

13 Section 1. K.S.A. 2007 Supp. 2-3002 is hereby amended to read as
14 follows: 2-3002. (a) There are hereby created five separate and distinct
15 commissions which shall be known as the Kansas corn commission, the
16 Kansas grain sorghum commission, the Kansas soybean commission, the
17 Kansas wheat commission and the Kansas sunflower commission. Each
18 commission will have members elected through an election process as
19 provided in subsection (b) to serve three-year terms, with the exception
20 of transition commissioners, serving from the effective date of this act
21 until elections occur in 2002, 2003 and 2004, to represent a district or
22 districts identified in subsection (b) with the following requirements:

23 (1) Any person meeting the requirements of K.S.A. 2-3003, and
24 amendments thereto, of that commodity may seek election as a commis-
25 sioner to that commodity's respective commission representing the dis-
26 trict of such person's official residence. Only a grower of each specific
27 commodity shall be a member of that specific commission;

28 (2) no commission shall have less than seven commissioners repre-
29 senting the nine crop reporting districts identified in subsection (h). If a
30 commission has less than nine elected commissioners representing crop
31 reporting districts, any commissioner representing multiple crop report-
32 ing districts may only represent commission districts equal to whole and
33 adjoining crop reporting districts that are within the same election cycle;
34 and

35 (3) each commission may, by majority approval of the commissions,
36 appoint two additional at-large commissioners for added representation
37 for producers due to geographical, cropping pattern or other reasonable
38 commodity-specific needs. At-large commissioners will serve a term de-
39 termined by the commodity commission not to exceed three-year terms
40 of appointment, be a Kansas resident and must meet the definition of a
41 grower.

42 (b) (1) Prior to the first election as provided by this act, each com-
43 modity commission shall notify all growers of its respective commodity of

1 the commission election and all appropriate election procedures.

2 (2) Any grower of corn, grain sorghum, soybeans, wheat or sunflowers
3 who is a resident of this state, of legal voting age and has been actively
4 engaged in growing corn, grain sorghum, soybeans, wheat or sunflowers
5 within the preceding three years shall become an eligible voter upon
6 registering to vote in a commission election. Registration shall be on a
7 single form allowing registration to any or all commission elections. Forms
8 shall be provided by the commissions and made available at all county
9 extension offices, county conservation district offices and through the of-
10 fice of the secretary. Any grower also shall become registered by signing
11 a petition for a candidate to be placed on the election ballot, upon the
12 filing of such petition. Candidate petition forms shall be provided by the
13 office of the secretary. Registration by internet or other means shall also
14 be allowed upon the approval of the secretary. No grower shall cast more
15 than one ballot for any commission election.

16 (3) Any person meeting the qualifications to serve as a commissioner
17 may appear on the election ballot for their respective commission district
18 by submitting a petition to be placed on the ballot on or before November
19 30 in the year immediately preceding the election. The petition shall
20 contain the signatures of 20 eligible voters of that commodity commission
21 election to be a valid petition. However, no more than five petition sig-
22 natures shall be used to qualify any candidate from any one county.

23 (4) Commission election ballots shall be mailed to eligible voters by
24 January 15 and shall be returned to the election officer, as provided
25 through the common election procedure required in subsection (e), on
26 or before March 1 in the year of any election. Successful candidates in
27 any election will have received the highest number of the votes cast.
28 Election results will be announced as soon as the election has been de-
29 termined with successful candidates taking office with terms effective
30 April 1 in the year of the election.

31 (5) On and after July 1, 2002, any interested person or entity in the
32 agriculture industry, with emphasis on growers of sunflowers, may submit
33 names to the governor for appointment to the Kansas sunflower com-
34 mission. On or after September 1, 2002, the governor shall appoint nine
35 members to the Kansas sunflower commission from among the names
36 submitted to the governor, if possible, to represent each of the crop re-
37 porting districts as provided in this section. The terms of the members
38 appointed by the governor shall be the same as provided in subsection
39 (d) and the same election provisions as provided in this section applicable
40 to the other commissions shall apply to such appointed members, except
41 that the members appointed to represent districts IV, V and VI shall not
42 stand for election in 2002 but rather shall have their initial term of office
43 to run until the election held for such districts in 2005. At such time the

1 same election provisions of this section applicable to the other commis-
2 sions shall apply to such members.

3 (c) Upon the effective date of this act, each commission created shall
4 meet as soon as feasible to organize, elect officers and ratify the number
5 of commissioners and representative districts that commission shall main-
6 tain. Commissioners currently serving these commissions immediately
7 prior to the effective date of this act are appointed to transition terms as
8 follows: (1) Commissioners whose terms expire in June, 2000, shall have
9 their terms extended until April, 2002; (2) commissioners whose terms
10 expire in June, 2001, shall have their terms extended until April, 2003;
11 and (3) commissioners whose terms expire in June, 2003, shall have their
12 terms extended until April, 2004.

13 (d) Annual elections for up to three commissioners representing dis-
14 tricts shall begin in January and February of 2002. Commissioners elected
15 shall take office April 1 of the year elected and serve a three-year term.
16 Elections will occur as follows and continue on a three-year cycle there-
17 after: (1) In districts IV, V and VI, the initial election year shall be 2002;
18 (2) in districts I, II and III, the initial election year shall be 2003; and (3)
19 in districts VII, VIII and IX, the initial election year shall be 2004.

20 (e) The five grain commissions, as provided in this act shall maintain
21 on file a common election procedure with the secretary of agriculture,
22 who will serve as the final arbitrator of any dispute regarding the election
23 procedure.

24 (f) Any grower who appropriately registers to vote shall be able to do
25 so in an election for any commissioner representing that commodity and
26 district where the grower maintains such grower's official residence.

27 (g) Any challenge to election results for the position of commodity
28 commissioner representing a district shall be initially reviewed by a panel
29 of commissioners, not standing for election that year, and representing
30 all ~~four~~ five grain commissions. If the challenge is not resolved before the
31 panel of commissioners, the secretary shall serve as the final arbitrator of
32 the challenge to the election results.

33 (h) Vacancies which may occur shall be filled for unexpired terms by
34 appointment by the remaining commissioners.

35 (i) The dean of the college of agriculture of Kansas state university
36 and the secretary of the Kansas department of agriculture shall be ex
37 officio members, without the right to vote, of each such commission.
38 Districts are the same as crop reporting districts established for Kansas
39 by the U.S. department of agriculture national agricultural statistic service
40 and are as follows:

41 (j) District I shall consist of the following counties: Cheyenne, De-
42 catur, Graham, Norton, Rawlins, Sheridan, Sherman and Thomas.

43 District II shall consist of the following counties: Gove, Greeley, Lane,

1 Logan, Ness, Scott, Trego, Wallace and Wichita.

2 District III shall consist of the following counties: Clark, Finney, Ford,
3 Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Meade, Morton,
4 Seward, Stanton and Stevens.

5 District IV shall consist of the following counties: Clay, Cloud, Jewell,
6 Mitchell, Osborne, Ottawa, Phillips, Republic, Rooks, Smith and
7 Washington.

8 District V shall consist of the following counties: Barton, Dickinson,
9 Ellis, Ellsworth, Lincoln, McPherson, Marion, Rice, Rush, Russell and
10 Saline.

11 District VI shall consist of the following counties: Barber, Comanche,
12 Edwards, Harper, Harvey, Kingman, Kiowa, Pawnee, Pratt, Reno,
13 Sedgwick, Stafford and Sumner.

14 District VII shall consist of the following counties: Atchison, Brown,
15 Doniphan, Jackson, Jefferson, Leavenworth, Marshall, Nemaha,
16 Pottawatomie, Riley and Wyandotte.

17 District VIII shall consist of the following counties: Anderson, Chase,
18 Coffey, Douglas, Franklin, Geary, Johnson, Linn, Lyon, Miami, Morris,
19 Osage, Shawnee and Wabaunsee.

20 District IX shall consist of the following counties: Allen, Bourbon, But-
21 ler, Chautauqua, Cherokee, Cowley, Crawford, Elk, Greenwood, Labette,
22 Montgomery, Neosho, Wilson and Woodson.

23 (k) Meetings and any records of any commission created by this act
24 shall be open to the public to the same extent as is required by law of
25 public boards and commissions pursuant to the open records act and the
26 open meetings act. Records shall include contracts entered into by any
27 commission.

28 Sec. 2. K.S.A. 2007 Supp. 2-3007 is hereby amended to read as fol-
29 lows: 2-3007. (a) There is hereby levied an assessment upon grain sor-
30 ghum marketed through commercial channels in the state of Kansas. The
31 grain sorghum commission shall set the assessment at a rate of not more
32 than five mills per bushel. There is hereby levied an assessment upon
33 corn marketed through commercial channels in the state of Kansas. The
34 corn commission shall set the assessment at a rate of not more than five
35 mills per bushel. There is hereby levied an assessment upon soybeans
36 marketed through commercial channels in the state of Kansas. The soy-
37 bean commission shall set the assessment at a rate of not more than 20
38 mills per bushel. There is hereby levied an assessment upon wheat mar-
39 keted through commercial channels in the state of Kansas. The wheat
40 commission shall set the assessment at a rate of not more than ~~10~~ 20 mills
41 per bushel. There is hereby levied an assessment upon sunflowers mar-
42 keted through commercial channels in the state of Kansas. The sunflower
43 commission shall set the assessment at a rate of not more than seven and

1 one-half mills per bushel (\$0.03 per cwt). Any commission shall not
2 change the assessment rate, either to increase or reduce, more than once
3 a year. Such assessment shall be levied and assessed to the grower at the
4 time of sale, and shall be shown as a deduction by the first purchaser
5 from the price paid in settlement to the grower. Under the provisions of
6 this act, no corn, grain sorghum, soybeans, wheat or sunflowers shall be
7 subject to the assessment more than once. The commission shall furnish
8 to every first purchaser receipt forms which shall be issued by such first
9 purchaser to the grower upon the payment of such assessment. The form
10 shall indicate thereon the procedure by which the grower may obtain a
11 refund of any such assessment, except a refund shall not be issued unless
12 the amount of the refund is \$5 or more. Within one year after any and
13 all sales during such period the grower may upon submission of a request
14 therefor to the commission, obtain a refund in the amount of the assess-
15 ments deducted by the first purchaser. Such request shall be accompa-
16 nied by evidence of the payment of the assessments which need not be
17 verified.

18 (b) The commission shall keep complete records of all refunds made
19 under the provisions of this section. Records of refunds may be destroyed
20 two years after the refund is made. All funds expended by the commission
21 in the administration of this act and for the payment of all claims growing
22 out of the performance of any duties or activities pursuant to this act shall
23 be paid from the proceeds derived from such assessment. In the case of
24 a lien holder who is a first purchaser as defined in this act, the assessment
25 shall be deducted by the lien holder from the proceeds of the claim
26 secured by such lien at the time the corn, grain sorghum, soybeans, wheat
27 or sunflowers are pledged or mortgaged. The assessment shall constitute
28 a preferred lien and shall have priority over all other liens and encum-
29 brances upon such corn, grain sorghum, soybeans, wheat or sunflowers.
30 The assessment shall be deducted and paid as provided in this section
31 whether such corn, grain sorghum, soybeans, wheat or sunflowers are
32 stored in this or any other state.

33 (c) Any corn, grain sorghum, soybean, wheat or sunflowers acquired
34 by a grower as defined in K.S.A. 2-3001, and amendments thereto, under
35 the provisions of any federal program shall be subject to the provisions
36 of this section.

37 (d) No assessments for soybeans shall be collected pursuant to sub-
38 section (a) while the national checkoff program for soybeans, established
39 pursuant to public law 101-624, remains in effect. Collection of assess-
40 ments pursuant to subsection (a) shall be reinstated upon the withdrawal
41 of the national checkoff program for soybeans, established pursuant to
42 public law 101-624.

43 Sec. 3. K.S.A. 2007 Supp. 2-3002 and 2-3007 are hereby repealed.

1 Sec. 4. This act shall take effect and be in force from and after its
2 publication in the statute book.