

Approved _____

Date

Fred Kerr 2/16/84

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Senator Fred Kerr at _____
Chairperson

10:00 a.m. ~~xxx~~ on Wednesday, February 15, 1984, 19__ in room 423-S of the Capitol.

All members were present ~~except~~

Committee staff present: Raney Gilliland, Research Department
Jim Wilson, Revisor's office

Conferees appearing before the committee:

Brad Smoot, Attorney General's office

Senator Arasmith moved the minutes of the February 14, 1984 meeting be approved, seconded by Senator Reilly. Motion carried.

SENATE BILL 637 - Senator Kerr called on Senator Karr to inform the committee relative to the contents of this bill. Senator Karr distributed Attachment 1 addressed to him by Attorney Charles Rayl. Senator Karr stated this is a request from Lyons and Chase Counties since those counties may have double crops of soybeans and wheat. No persons asked to appear as conferees. Senator Kerr stated the committee would take the bill under advisement.

SENATE BILL 519 - Senator Kerr called on Brad Smoot to make a statement relative to the October 31, 1983 attorney general's opinion. Mr. Smoot stated hogs fed for slaughter purposes is all right but if breeding program is along with that, it would change the legality. "Feeding hogs for slaughter operation is authorized by law; if not fed for slaughter, they would not come within the law." The following is a quote from the synopsis of the opinion, "...such corporation may engage in the breeding of the hogs from within its own stock for feeding and slaughter but may not breed hogs for sale prior to feeding and slaughter..."

Senator Kerr called attention to two amendments:

"Amendment No. 1 - On page 4, in line 133, after 'and' by inserting 'such acreage as is required by statute or rules and regulations adopted thereunder'; also in line 133, after 'minimize' by inserting 'the'; in line 134, after 'impact' by inserting 'of the facility';"

"Amendment No. 2 - On page 5, in line 182, preceding the period by inserting 'or a swine confinement facility';"

On page 6, by striking all in lines 200 and 201;"

Senator Norvell stated Senate Bill 519 will allow for expansion of hog production in Kansas by a large degree, while the US pork producers and Kansas pork producers are voluntarily reducing hog production. He requested the committee to initiate an impact study on Kansas hog producers and Kansas Feed Grain Producers to ascertain what it will be within the next five to 10 years.

Senator Norvell moved to table action on Senate Bill 519 until KDED and the Kansas Department of Agriculture can make an economic study on what effect this legislation would have on hog producers in the state, seconded by Senator Montgomery.

After considerable discussion, Senator Allen directed a question to Attorney Smith representing DeKalb, "Will you continue doing what

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS,
room 423-S, Statehouse, at 10:00 a.m./p.m. on Wednesday, February 15, 1984, 19 .

is presently being done if Senate Bill 519 is not given favorable consideration?", Mr. Smith stated, "You can breed and raise for slaughter all the hogs you want to for slaughter, but you cannot raise high class breeding animals in the future." He stated they would like some clarification as to whether they are legal.

Senator Karr stated he felt from his recollection of the discussions and intent of the farm corporation bill that DeKalb was operating within the intent of the law prior to the time the 1981 law was enacted and he feels DeKalb is not in jeopardy. Revisor Jim Wilson quoted from Page 5 of the law lines 173 through 177, and Mr. Smoot also felt DeKalb would be grandfathered in and all right as long as they did not expand in the amount of agricultural land they hold.

Senator Kerr called for a vote on the motion. Motion failed by a 5-6 vote.

Senator Reilly moved Amendment 1 be adopted, seconded by Senator Gannon. Motion carried. Senator Gannon moved that Amendment 2 be adopted, seconded by Senator Karr. Motion carried.

Senator Doyen moved Senate Bill 519 be approved favorably for passage as amended, seconded by Senator Thiessen. Motion carried.

Senator Norvell stated he voted "NO" since he feels Senate Bill 519 will be capable of a drastic impact on family farmers if foreigners keep coming into Kansas and then on the national level.

The meeting was adjourned.

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SENATE

AGRICULTURE AND SMALL BUSINESS COMMITTEE

10:00 a.m., Room 423-S

Wednesday, Feb. 15, 1984

Date

NAME

ADDRESS

ORGANIZATION

James A. Porter

DeKalb, IL

DEKALB SWINE BREEDERS

Jack Perissos

TOPEKA

PANTS-WHITE - SEABOARD

Nancy Kantola

Topeka

Kansas Co-op Council

Larry Lusk

Topeka

Ks Co-op Council

Ronald Riley

Topeka

K.A.W.C.

Don Jacka

Topeka

Ks STATE BOARD OF AGRICULTURE

Mike Bean

Topeka

Ks Luth. Assn.

Aemeda Edwards

Ottawa

Fr. Co. 7B, Policy

TOM R. TUNNELL

HUTCHINSON

KANSAS GRAIN & FEEDS DEALERS ASSN

Gary Holaday

Manhattan

K PPC

Bill Lusk

Topeka

KLA

RAYL AND FOWLER, CHARTERED

ATTORNEYS AT LAW
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COTTONWOOD FALLS, KANSAS 66845

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COTTONWOOD FALLS, KANSAS
316-273-6333

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316-767-6780

CHARLES R. RAYL

W. LEE FOWLER

February 10, 1984

Senator Jerry Karr
R.R. #2, Box 101
Emporia, Kansas 66801

Re: Termination of Farm Tenancies SB637

Dear Senator Karr:

On at least three occasions I have had landlord served notice of termination on a tenant farmer after 30 days preceding March 1. The problem is that the landlord cannot, as the law is now written in K.S.A. 58-2506, obtain possession of the property until the following March 1, even though the spring seeded crop of soybeans or milo is harvested in the fall. This precludes the landlord from leasing the land and having a tenant seed the land to fall seeded wheat. The land must lay idle from the date of the removal of the soybeans or milo until the following spring.

Normal farming practice in this area is to follow a rotation system of milo, soybeans or corn then wheat and sometimes following the wheat with a double crop of soybeans. Soybeans, as you are aware, are a deep rooted crop that loosen the soil. In some years it is an advisable farming practice to use some tillage on the soybean stubble after the crop is removed to prevent wind erosion. The landlord is prohibited from obtaining possession until March 1 and therefore cannot prevent the wind erosion.

One disadvantage to the SB637 Section 1(d) is that some tenants winter pasture the stubble of corn or milo with cattle from fall harvest to March 1. SB637 would eliminate that option. This problem could be addressed by requiring the tenant to notify the landlord by restricted

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Senator Jerry Karr
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mail within 30 days of the notice to terminate that the
tenant intends to winter pasture the corn or milo stubble
and in that event setting the termination date as March 1.

Thank you for your attention to this problem.

Respectfully,



CHARLES R. RAYL

CRR:sjo