

Approved

Date 2-28-85

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Lloyd D. Polson, at
Chairperson

9:00 a.m./~~p.m.~~ on February 14, 1985 in room 423-S of the Capitol.

All members were present except: Representative Don Sallee, who was excused.

Committee staff present:

Raney Gilliland, Legislative Research Department
Norman Furse, Revisor of Statutes' office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Representative Clifford Campbell
Gerald Riley, Kansas Association of Wheat Growers
Ron Smith, Kansas Legal Services

H.B. 2161, sponsored by Representative Clifford Campbell, an Act relating to farm tenancies; concerning termination thereof; was reviewed by Representative Clifford Campbell, (Attachment A). He said there is a problem when the landlord dies and there is no written contract on the farm land that is being rented. If someone has a wheat crop planted and if they are not notified of a termination 30 days prior to March 1, the tenant can hold the land for two wheat crops. He presented an amendment to the bill, (Attachment B) which would address the problem of the termination of tenancies. He proposed amending the bill and asking for an interim study.

Raney Gilliland gave a brief history of farm tenancy legislation.

Gerald Riley testified, as a landlord and as a tenant that he recognizes there is a problem. Under certain circumstances a tenant can hold land 18 months past notice of termination.

Ron Smith stated the bar association is concerned that March 1 has been accepted by the agricultural community and the legal community for so long that changing the statute might cause problems. The estate lawyers are working on some language for this bill. He responded to a question from the Committee by stating the Executive Council of the Bar Association did not endorse this bill, but probably would if some changes were made.

There being no other conferees, the Chairman closed the hearing on H.B. 2161.

The Chairman announced a concurrent resolution has been drafted to declare an economic emergency, to request specific congressional action resulting in federal legislation and to promote the state's input into federal farm policy.

The Chairman also announced that any of the legislators that wanted to attend the budget hearing in Atchison, Kansas, Friday, held by Congressman Slattery, would be excused by the Speaker of the House.

The meeting was adjourned at 9:30 a.m.

HOUSE BILL No. 2161

By Representative C. Campbell

2-4

0017 AN ACT relating to farm tenancies; concerning termination
0018 thereof; amending K.S.A. 58-2506 and 58-2506a and repealing
0019 the existing sections.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 58-2506 is hereby amended to read as fol-
0022 lows: 58-2506. (a) Except as may be otherwise provided by this
0023 section or by a written lease signed by the parties ~~thereto~~, in
0024 cases of tenants occupying and cultivating farms, the notice to
0025 terminate such a farm tenancy must be given in writing at least
0026 ~~30~~ 60 days prior to ~~March 1~~ and must fix the *date fixing* termi-
0027 nation of the tenancy ~~to take place on March 1~~.

0028 (b) When a notice of termination is given pursuant to sub-
0029 section (a) *or (d)* after a fall seeded grain crop has been planted,
0030 as to that part of the farm which is planted to a fall seeded grain
0031 crop on cropland which has been prepared in conformance with
0032 normal practices in the area, the notice shall be construed as
0033 fixing the termination of the tenancy of such portion to take place
0034 on the day following the last day of harvesting such crop or crops,
0035 or August 1, whichever comes first.

0036 (c) When a notice of termination is given pursuant to sub-
0037 section (a) *or (d)* after ~~the 30th day preceding March 1~~ and prior
0038 ~~to the planting of a fall seeded grain crop~~ *a spring seeded crop*
0039 *has been planted* on cropland which has been prepared in
0040 conformance with normal practices in the area, ~~in any year in~~
0041 ~~which a fall seeded grain crop has been or will be harvested~~, the
0042 notice shall be construed as fixing the termination of the tenancy
0043 of that part of the farm devoted to ~~fall~~ *spring* seeded grain crops
0044 on the day following the last day of harvesting such crop or crops
0045 ~~in the succeeding year or August 1 of such succeeding year,~~

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ATTACHMENT A

0046 ~~whichever comes first.~~

0047 (d) Subject to the provisions of subsections (b) and (c), a farm
0048 tenant becomes a tenant from year-to-year by occupying the
0049 premises after the expiration of the term fixed in a written lease,
0050 in which case the notice of termination of tenancy must fix the
0051 termination of tenancy to take place on the same day of the same
0052 month following the service of the notice as the day and month of
0053 termination fixed in the original lease under which the tenant
0054 first occupied the premises. Such notice shall be written and
0055 given to the tenant at least 30 days prior to such termination date.

0056 Sec. 2. K.S.A. 58-2506a is hereby amended to read as fol-
0057 lows: 58-2506a. (a) When a notice of termination is given by the
0058 landlord pursuant to subsection (a) or ~~(e)~~ (d) of K.S.A. 58-2506,
0059 *and amendments thereto*, and the tenant prior to receiving such
0060 notice has: (1) Performed customary tillage practices or has
0061 applied or furnished fertilizers, herbicides or pest control sub-
0062 stances; and (2) has not planted the ground, the landlord shall
0063 pay the tenant the fair and reasonable value of the services
0064 furnished and the fertilizers, herbicides or pest control sub-
0065 stances furnished.

0066 (b) Where a farm tenancy is terminated by the landlord ~~on~~
0067 ~~March 1~~ pursuant to subsection (a) of K.S.A. 58-2506, *and*
0068 *amendments thereto*, and the tenant planted and obtained a
0069 satisfactory stand of alfalfa the preceding fall, the landlord shall
0070 pay the tenant the fair and reasonable value of all services
0071 performed in preparing and planting the alfalfa and for all of the
0072 tenant's expenditures for seed, fertilizer, herbicide or pest con-
0073 trol substances.

0074 Sec. 3. K.S.A. 58-2506 and 58-2506a are hereby repealed.

0075 Sec. 4. This act shall take effect and be in force from and
0076 after its publication in the statute book.

0046 ~~whichever comes first.~~

0047 (d) Subject to the provisions of subsections (b) and (c), a farm
0048 tenant becomes a tenant from year-to-year by occupying the
0049 premises after the expiration of the term fixed in a written lease,
0050 in which case the notice of termination of tenancy must fix the
0051 termination of tenancy to take place on the same day of the same
0052 month following the service of the notice as the day and month of
0053 termination fixed in the original lease under which the tenant
0054 first occupied the premises. Such notice shall be written and
0055 given to the tenant at least 30 days prior to such termination date.

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0057 lows: 58-2506a. (a) When a notice of termination is given by the
0058 landlord pursuant to subsection (a) or ~~(e)~~ (d) of K.S.A. 58-2506,
0059 and amendments thereto, and the tenant prior to receiving such
0060 notice has: (1) Performed customary tillage practices or has
0061 applied or furnished fertilizers, herbicides or pest control sub-
0062 stances; and (2) has not planted the ground, the landlord shall
0063 pay the tenant the fair and reasonable value of the services
0064 furnished and the fertilizers, herbicides or pest control sub-
0065 stances furnished.

0066 (b) Where a farm tenancy is terminated by the landlord ~~on~~
0067 ~~March 1~~ pursuant to subsection (a) of K.S.A. 58-2506, and
0068 amendments thereto, and the tenant planted and obtained a
0069 satisfactory stand of alfalfa the preceding fall, the landlord shall
0070 pay the tenant the fair and reasonable value of all services
0071 performed in preparing and planting the alfalfa and for all of the
0072 tenant's expenditures for seed, fertilizer, herbicide or pest con-
0073 trol substances.

0074 Sec. 3. K.S.A. 58-2506 and 58-2506a are hereby repealed.

0075 Sec. 4. This act shall take effect and be in force from and
0076 after its publication in the statute book.

New Section 3. In the event of the death of a landlord who is an individual, any farm tenancy or tenancies to which such landlord is a party shall, by operation of law, be terminated. Such termination shall be effective at the next contiguous March 1st following the appointment of a personal representative to administer such landlord's estate. This section shall apply only if the land which is the subject of a farm tenancy would pass as part of the decedent landlord's estate. The personal representative of the decedent shall have the authority to release such farm tenancies made or entered into by the decedent, or take such other action which shall, in the discretion of the personal representative of the decedent, be in the best interests of the estate except that such action by the personal representative of the decedent shall not act to grant the tenant less authority to remove crops, or other considerations, which are granted to tenants by K.S.A. 58-2506 or K.S.A. 58-2506a, and amendments thereto.

Renumber sections 3 and 4 as 4 and 5.

ATTACHMENT B

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