

Approved March 6, 1986  
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

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

9:00 a.m./~~p.m.~~ on March 3, 1986 in room 423-S of the Capitol.

All members were present except: Representatives Kent Campbell, Dean and Teagarden who were 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:

Continuation of discussion and possible action on: H.B. 2691-Prescribing conditions on the sale of agricultural lands by creditors.

Representative Freeman moved to change line 0047 to read "shall have not less than 10 days following the date of notification". Representative Jenkins seconded the motion.

Representative Neufeld made a substitute motion to amend the bill by changing in Section I the definition of agricultural land to the reappraisal definition instead of the corporate definition; adding in Section II on line 0046, "except as otherwise provided in this section a loan made to such debtor or prior owner shall be subject in all other respects to the existing loan policy of the creditor" in line 0047 changing the 30 days to 10 days; changing line 0048 to read "of the proposed sale by the creditor to give evidence of proof of ability to exercise such right of"; changing line 0049 to read "purchase and not more than 60 days following such notification to close. Such right of purchase may be waived in writing by". Also added to Section II, "The right of purchase granted to a debtor or prior owner under this section shall be in addition to and not in lieu of any right which the debtor or prior owner has of redemption of the property under K.S.A. 60-2414 and amendments thereto". Representative Bryant seconded and the motion passed.

The amendment was distributed to the Committee and is Attachment I.

Representative Clifford Campbell moved to recommend the bill, favorably, as amended. The motion was seconded by Representative Buehler. The motion passed.

Committee discussion and possible action on H.B. 2849--An act concerning worthless checks.

Staff distributed an amendment to change the \$3.00 service charge for a bad check to \$10.00, Attachment II.

Representative Apt moved to approve the amendment to the bill. The motion was seconded by Representative Eckert. The motion passed.

Representative Apt moved and Representative Eckert seconded to recommend H.B. 2849, as amended, favorable for passage. The motion passed.

Representative Buehler moved to approve the minutes of February 25 and February 26, 1986. Representative Goossen seconded and the motion passed.

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

The next meeting will be March 4, 1986 at 9:00 a.m., in Room 423-S.



# HOUSE BILL No. 2691

By Representatives Neufeld, Braden, Bryant, C. Campbell, DeBaum, Freeman, Guldner, Harper, Holmes, King, Mayfield, R.D. Miller, Mollenkamp, Moomaw, Polson, Sallee, Shore and Smith

1-15

3/03/86 Hs. ASB  
Attachment I

0020 AN ACT concerning the sale of certain agricultural land; and  
0021 prescribing certain conditions and granting certain rights  
0022 therefor.

0023 *Be it enacted by the Legislature of the State of Kansas:*

0024 Section 1. As used in this act:

0025 (a) "Agricultural land" means land suitable for use in farm-  
0026 ing; and

0027 (b) "Farming" means the cultivation of land for the produc-  
0028 tion of agricultural crops, the raising of poultry, the production of  
0029 eggs, the production of milk, the production of fruit or other  
0030 horticultural crops, grazing or the production of livestock. Farm-  
0031 ing does not include the production of timber, forest products,  
0032 nursery products or sod, and farming does not include a contract  
0033 to provide spraying, harvesting or other farm services.

0034 Sec. 2. Whenever any creditor shall acquire agricultural land  
0035 located within the state of Kansas by process of law in the  
0036 collection of debts, or pursuant to a contract for deed, or by any  
0037 procedure for the enforcement of a lien or claim thereon,  
0038 whether created by mortgage or otherwise, such creditor shall in  
0039 addition to other conditions prescribed by law sell or dispose of  
0040 such property subject to the conditions prescribed by this sec-  
0041 tion. Whenever such creditor shall propose to sell any such land,  
0042 except at public auction, the debtor or prior owner from whom it  
0043 was acquired shall be allowed to purchase such land upon the  
0044 same terms and with the same concessions for an amount and at  
0045 an interest rate equal to the highest bid or bona fide offer made  
0046 for such land at any proposed sale. Such prior debtor or owner

"Agricultural land" means land which is devoted to the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products. Agricultural land shall not include those lands which are used for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

Except as otherwise provided in this section, a loan made to such debtor or prior owner shall be subject in all other respects to the existing loan policy of the creditor.

0017 shall have not less than 30 days following the date of notification  
 0018 of the proposed sale by the creditor to exercise such right of  
 0019 purchase. Such right of purchase may be waived in writing by  
 0050 such prior debtor or owner.

0051 Sec. 3. This act shall take effect and be in force from and  
 0052 after its publication in the Kansas register.

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give evidence of proof of ability to  
 and not more than 60 days following  
 such notification to close

The right of purchase granted to a debtor or prior owner under this section shall be in addition to and not in lieu of any right which the debtor or prior owner has of redemption of the property under K.S.A. 60-2414 and amendments thereto.

## PROPOSED AMENDMENT TO HOUSE BILL NO. 2849

"AN ACT concerning worthless checks; providing certain civil remedies; amending K.S.A. 61-2703, 61-2706 and 61-2713 and repealing the existing sections."

Be amended:

On page 6, following line 265, by inserting the following:

"Sec. 5. K.S.A. 1985 Supp. 21-3707 is hereby amended to read as follows: 21-3707. (1) Giving a worthless check is the making, drawing, issuing or delivering or causing or directing the making, drawing, issuing or delivering of any check, order or draft on any bank, credit union, savings and loan association or depository for the payment of money or its equivalent with intent to defraud and knowing, at the time of the making, drawing, issuing or delivering of such check, order or draft, that the maker or drawer has no deposit in or credits with the drawee or has not sufficient funds in, or credits with, the drawee for the payment of such check, order or draft in full upon its presentation.

(2) In any prosecution against the maker or drawer of a check, order or draft payment, of which has been refused by the drawee on account of insufficient funds, the making, drawing, issuing or delivering of such check shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or on deposit with, the drawee unless the maker or drawer pays the holder thereof the amount due thereon and a service charge not exceeding \$3 \$10 for each check, within seven days after notice has been given to the maker or drawer that such check, draft or order has not been paid by the drawee. As used in this section, "notice" includes oral or written notice to the person entitled thereto. Written notice shall be presumed to have been given when deposited as restricted matter in the United States mail, addressed to the person to be given notice at such person's

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Attachment II

address as it appears on such check, draft or order.

(3) It shall be a defense to a prosecution under this section that the check, draft or order upon which such prosecution is based:

(a) Was postdated, or

(b) was given to a payee who had knowledge or had been informed, when the payee accepted such check, draft or order, that the maker did not have sufficient funds in the hands of the drawee to pay such check, draft or order upon presentation.

(4) Giving a worthless check is a class E felony if the check, draft or order is drawn for \$150 or more. Giving a worthless check is a class A misdemeanor if the check, draft or order is drawn for less than \$150.";

And by renumbering sections accordingly;

Also on page 6, in line 266, by inserting before "are" the following: "and K.S.A. 1985 Supp. 21-3707";

On page 1, in the title, line 23, by inserting after "61-2713" the following: "and K.S.A. 1985 Supp. 21-3707";