

Approved February 5, 1986
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at
Chairperson

10:12 a.m. ~~XXX~~ on January 28, 1986 in room 423-S of the Capitol.

All members were present except: Senator Norvell (excused)

Committee staff present: Raney Gilliland, Research Department
Fred Carman, Revisor of Statutes Department

Conferees appearing before the committee: Jeff Southard, Attorney General's Office
Tom Tunnell, Kansas Grain and Feed Dealers Association
Dale Amick, Western Retail Implement and Hardware Association, Jefferson City, Mo.
Bob Storey, Kansas Termite and Pest Control Association
Don Jacka, State Board of Agriculture

Senator Allen called the Committee to order and announced the Committee would be hearing requests for bills. He then called for action on the minutes of the January 23 meeting. Senator Arasmith moved the minutes be approved. Senator Montgomery seconded the motion. Motion carried. The Committee was given copies of the outline for the Animal Health Department for 1986 as presented by Dr. Allan Kimmell on January 23 (attachment 1). Senator Allen called on Jeff Southard to present a bill request.

Mr. Southard gave copies to the Committee of the legislation proposed by the Attorney General's Office (attachment 2). He encouraged consideration by the Committee of this proposed legislation which would add another exception to the present Corporate Farm Law. This legislation would allow corporations to purchase land lost by foreclosures; the first option to lease and/or to buy must be offered the one who lost it by foreclosure and such land must be sold within ten years from date it was acquired.

Senator Montgomery made a motion the Committee introduce this legislation as a Committee bill. Senator Karr seconded the motion. Motion carried.

Senator Allen called on Tom Tunnell to present proposed legislation.

Mr. Tunnell gave copies of proposed legislation concerning public warehouses, relating to bond requirements (attachment 3). Mr. Tunnell explained the present accumulative bond provisions. He reported in case of warehouse failures, if it can be proved that losses occurred during previous years, the bonding company can be held liable for more than the face amount of the bond. Because of this accumulative bonding provision, bonding companies will not write bonds. This legislation would make Kansas laws uniform with other states.

During discussion, Mr. Tunnell was ask if he thought it would help if the law stated that could only go back 2 or 3 years to check for losses and also what could be done about bonding companies not renewing a bond. Mr. Tunnell said later an amendment would be offered which would require a bonding company to give 90 days notice if they are not going to renew a bond.

Senator Doyen made a motion the Committee introduce this proposed legislation. Senator Montgomery seconded the motion. Motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:12 a.m. ~~XXX~~ on January 28, 1986

The Chairman called on Dale Amick to present proposed legislation.

Mr. Amick gave copies of his proposed legislation to each Committee member (attachment 4) and then explained this proposed law was written using the Wisconsin law as a guide and it is known as "Kansas Agricultural Equipment Dealership Act". This law would codify farm equipment dealers' rights when involved in their business relations with farm equipment manufacturers.

Senator Gannon made a motion the Committee introduce this proposed legislation. Senator Montgomery seconded the motion. Motion carried.

The Chairman called on Bob Storey to present proposed legislation.

Mr. Storey explained he was requesting three pieces of legislation. The first pertains to the bond and insurance requirements required to receive a pesticide license from the Secretary of the State Board of Agriculture. He explained that today to receive a license to spray for termites a person only has to have financial responsibility that is a bond for \$6,000 or insurance for property damage in the amount of \$5,000 and bodily damage in the amount of \$25,000. He said the Pest Control Association would like to see the bond stricken, but if not, recommends it be increased to \$50,000 and that all be required to carry a million dollar blanket liability policy to cover all pollution, contamination and bodily injury. Mr. Storey said the Pest Control Association would like for this proposed legislation to be introduced and then they would like to come back and testify why the insurance should be increased and the bond excluded.

Senator Arasmith made a motion this proposed legislation be introduced. Senator Warren seconded the motion. Motion carried.

Mr. Storey explained the second requested legislation involved certification. This legislation would require salesmen who give advice about pest control needs, and who now are only registered, to be certified. The certification would require like 90 days on the job training before certification could be approved.

Senator Doyen made a motion this proposed legislation be introduced by the Committee. Senator Gannon seconded the motion. Motion carried.

Mr. Storey said the third proposed legislation was in regard to pesticide and its label. Federal law allows, in some cases, a pesticide to be used in a way not listed on the label. This legislation would allow these jobs to be under warranty, to be guaranteed, and to be under the liability provisions.

Senator Montgomery made a motion the Committee introduce this requested legislation. Senator Karr seconded the motion. Motion carried.

The Chairman called on Don Jacka to present proposed legislation.

Mr. Jacka handed copies to the Committee of the proposed changes to the Plant Pest Act. (attachment 5).

Senator Karr moved the Committee introduce this legislation. Senator Gordon seconded the motion. Motion carried.

The Chairman ask staff to go over the bills left in Committee from last session.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:12 a.m./~~XXX~~XXX on January 28, 1986.

Mr. Gilliland explained the following bills:

- S.B. 23, Establishing the 100% Kansas finest quality grain marketing program.
- S.B. 288, Agricultural corporations, land acquired under qualified lease back with option to purchase agreements.
- S.B. 289, Uniform Commercial code, protection of buyers of goods, removing "farm products" exception.
- S.B. 290, Registration of moisture measuring devices.
- S.B. 336, Public grain dealer licensing and regulation.

The Chairman ask for comments on these bills or a motion to kill one, part or all of them. There was no Committee action.

The Chairman adjourned the Committee at 10:48 a.m.

OUTLINE OF AGENCY REPORT - 1986

ANIMAL HEALTH DEPARTMENT

- (1) Governed by 7 member board
 - (a) 6 members are appointed to 3 year terms by Governor. Names are presented by Dairy, Swine, Feedlots, Livestock Markets, Veterinarian and Purebred Council.

2. Full Complement - 40 people.
 - (a) Livestock Commissioner
 - (b) 3 State Veterinarians
 - (c) 6 Livestock Inspectors
 - (d) 2 Special Brand Investigators
 - (e) 1 Supervisor and 8 Brand Inspectors
 - (f) Remainder is office or Laboratory Personnel.

4 are state employees that are contracted under the State/Federal Cooperative program with U.S.D.A.

3. Most programs are State/Federal Cooperative.
 - (a) Kansas became a Brucellosis Class "A" State with 25% herd infection;
 - in 1984 - 53 infected herds
 - in 1985 - 23 infected herds

Many expenses of both Tuberculosis and Brucellosis Eradication are funded by U.S.D.A.

- (b) Many indications point to reduction or elimination of Federal monies (U.S.D.A.). Washington, D.C. has said that by 1990 they will carry out only activities that by law or scope cannot be carried out by individual states. That is, surveillance and compliance. It would be folly for us to assume that either Brucellosis or Tuberculosis would cease to be a threat by 1990.

TUBERCULOSIS

1. Kansas become a Free Accredited State approximately 1 year ago.
2. Have had 3 scares in last year;
 - (a) Buffalo (bison) herd depopulated because of TB in purchased animal from South Dakota.
 - (b) A Dairy herd at New Mexico State University, Las Cruces, was found to be infected.

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attachment |

Kansas had to retest cows that originated in that herd.

- (c) Rodeo steers from Mexico made legal entry into Kansas, but later found to be infected and were depopulated.

Kansas did not lose the TB Free Status because infection had not spread to other local herds. Until 1983, Kansas had a TB fund (revenue money) that could be used for depopulation. It had not been used since 1977 and therefore was eliminated.

Re-establishing this fund should have priority if we hope to keep our state free of this disease.

BRUCELLOSIS

Several states (Missouri and Illinois) have state funds to depopulate infected herds.

- (a) Used when U.S.D.A. has no funds
- (b) Used with U.S.D.A. as added incentive
- (c) Can be used when less expensive to depopulate than to continue testing.

Depopulation is a most valuable tool and the least expensive way to get rid of Brucellosis disease in many instances. It will become more important as we approach a Brucellosis Free Status.

DEPARTMENT BUDGET

Approximately 80% is license or user fee.

- 1) Feedlot license \$50 to \$500.
- 2) Pet shops - \$100.
- 3) Dead Animal Plants - \$350.
- 4) Livestock Markets - \$250. applications and \$25. annual renewal fee.

The regulatory fee collected at all licensed livestock markets was increased from 7¢ to 9¢ per head on January 1, 1986. By law we can go to 10¢. As our total number of livestock marketed decreases, we must raise fees in order to keep even.

1977 to 1978 - 89 markets; 4.5 million
1984 to 1985 - 73 markets; 3.4 million

BRANDS

Along the same line as above we have 15 markets with brand inspection. Also 4 counties in county option. The maximum fee is 25¢. We have been at that maximum since November, 1983. (going from 20¢ at that time.)

Thus the Animal Health Department is asking for a change in 47-417a and 47-437 allowing us to not exceed 50¢.

Let me state that we plan to only increase to 30¢. Should our numbers increase we could drop back to the 25¢ level.

Hand outs of statues with proposed changes and a comparason of other state brand fees.



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

January 24, 1986

The Honorable Jim Allen
State Senator, 11th District
State Capitol, 128-S
Topeka, Kansas 66612

Re: Kansas Corporate Farming Law

Dear Senator Allen:

This cover letter accompanies a proposal which I hope you will give consideration to as Chairman of the Senate Agriculture and Small Business Committee. The proposal involves adding a limited exception to the law which currently prohibits most ownership of agricultural land in this state by corporations, K.S.A. 17-5904. Although the measure speaks for itself, it should be noted that only land which has been foreclosed on or otherwise taken for debts could be purchased, and only if the former owner was given first option to rent and eventually buy the land back.

At most, the land could be held for 10 years, as is now the case for land taken by a bank in foreclosure. Also, I have added a sunset provision which would end this exception in three years. By that time, the legislature could determine if it was effective and if it should be continued.

While this is at best a limited measure, it should allow some farmers to continue to rent the land which they have already been forced to turn back over to lending institutions, in the hope that they will be able to one day repurchase it. At the very least, it would allow them to stay on the land, and so would minimize the disruptions which rural Kansas would face if the farm economy continues to decline.

Thank you for your consideration of this request. I will of course be happy to answer any questions you may have, and have no objections to changes in the wording being made by the bill drafters.

Very truly yours,

Jeff Southard
Deputy Attorney General

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attachment 2

K.S.A. 17-5904.

- (a) No corporation, trust, limited corporate partnership or corporate partnership, other than a family farm corporation, authorized farm corporation, family trust, authorized trust or testamentary trust shall, either directly or indirectly, own, acquire or otherwise obtain or lease any agricultural land in this state. The restrictions provided in this section do not apply to the following:

(Add New Subsection 14)

- (14) Agricultural land acquired and held subject to the following conditions:
- (A) Such land is acquired at an execution and sale proceeding under K.S.A. 60-2401 et seq. as amended, or from another corporation which has obtained the land by a voluntary transfer of deed, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon;
 - (B) A first option to lease such land is offered to the person or persons who, prior to the foreclosure, transfer of deed or judicial proceeding, owned the land either individually or as a family farm corporation, authorized farm corporation, family trust or authorized family trust;
 - (C) Such land is sold within 10 years after being acquired;
 - (D) A first option to buy such land is offered to those persons identified in paragraph (B);
 - (E) If a first option to lease or purchase pursuant to this subsection is declined, the corporation, trust, limited corporate partnership or corporate partnership may lease or sell the land subject to the provisions of this section, provided that divestment occur within 10 years after the land was acquired.

This subsection shall expire as of July 1, 1989.

SENATE BILL NO. _____

AN ACT concerning public warehouses; relating to bond requirements; amending K.S.A. 1985 Supp. 34-229 and repealing the existing section.

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

Section 1. K.S.A. 1985 Supp. 34-229 is hereby amended to read as follows: 34-229. (a) Every applicant for a public warehouse license shall promptly, upon notification by the director of the amount of bond required, file with the director a bond with good corporate surety qualified under the laws of the state of Kansas in a sum computed by adding together:

(1) The amount, up to \$200,000, obtained by multiplying the closing cash grain price per bushel, less \$.25, of No. 2 hard ordinary wheat in Kansas City on the first Monday in April of each year times 15% of the warehouse capacity; and

(2) the amount obtained by multiplying that cash grain price per bushel less \$.25 times 1% of the warehouse capacity in excess of that capacity used to compute the first \$200,000 of the amount of the bond. In no event shall the bond be for an amount less than \$10,000.

(b) If an applicant for a license or a licensee at any time does not have the total net worth required by K.S.A. 34-228 and amendments thereto, an amount equal to the deficiency shall be added to the amount of the bond required by subsection (a).

(c) The bond shall be in favor of the state of Kansas for the benefit of all persons interested, their legal representatives, attorneys or assigns and shall be conditioned on the faithful performance of all the licensee's duties as a public warehouseman and such additional obligations as assumed by the warehouseman under contracts with a federal agency relating to

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storage of grain in each warehouse. Any person injured by the breach of any obligation of the warehouseman may commence suit on the bond in any court of competent jurisdiction to recover damages that the person has sustained, but any suit commenced shall either be a class action or shall join as parties plaintiff or parties defendant or other persons who may be affected by such suit on the bond. The liability of the surety on the bond shall not accumulate for each successive license period the bond covers. The total liability of the surety shall be limited to the amount stated on the bond or as charged by an appropriate rider or endorsement to the bond.

(d) If a person applies for licenses for two or more separate public warehouses in this state, the person may give a single bond covering all the applications, and the amount of the bond shall be the total amounts which would be required for the applications if separate bonds were given. In computing the amount of the single bond the warehouseman may add together the capacity of all warehouses to be covered by the bond and use the aggregate capacity for the purpose of computing the bond. If a warehouseman elects to provide a single bond for a number of warehouses, the total assets of all the warehouses shall be subject to liabilities of each individual warehouse.

(e) Whenever the director determines that any bond given by any warehouseman is inadequate and insufficient security against any loss that might arise under the terms of the bond, the director shall require any additional bond that the director considers necessary to provide adequate security. If the director considers the financial condition of the surety upon any warehouseman and the warehouseman's bond to be impaired, the director shall require any substituted or additional bond that the director considers necessary.

(f) In all actions hereafter commenced in which judgment is rendered against any surety company on any surety bond furnished under the provisions of this section, if it appears from the evidence that the surety company has refused without just cause

to pay the loss upon demand, the court shall allow the plaintiff a reasonable sum as attorney fees to be recovered and collected as a part of the costs. When a tender is made by the surety company before the commencement of the action in which judgment is rendered and the amount recovered is not in excess of the tender, no such costs shall be allowed.

(g) Each licensed public warehouseman shall obtain a certificate setting forth the amount and terms of the bond filed with the director pursuant to this section, the name of the corporate surety therefor and such other information as the director may prescribe by rules and regulations. The certificate of bond information shall be posted in a conspicuous place in the office room of the licensed warehouse, adjacent to the license posted as required by K.S.A. 34-230 and amendments thereto, at all times during the operation of the warehouse.

(h) Transaction of any public warehouse business at any public warehouse without having the certificate of bond information displayed in the office room of the public warehouse as required by this section is a class C misdemeanor.

Sec. 2. K.S.A. 1985 Supp. 34-229 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

SENATE BILL NO. _____
BY COMMITTEE ON _____

An Act to regulate and govern business relations between manufacturers of agricultural equipment and independent retail dealers of those products.

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

New Section 1. The legislature of this state finds that the retail distribution and sales of farm equipment to the farmer consumer through businesses which are independent from and not affiliated with or controlled by the manufacturers of such products, benefits the economy of this state by providing services to the farmer which are superior to those which would be provided by manufacturer-owned retail outlets and insuring that all manufacturers of farm equipment will have access to retail outlets, thereby encouraging competition among manufacturers. The purpose of this act is to preserve those economic benefits to the agricultural economy of this state through regulation of the business relations between farm equipment manufacturers and farm equipment dealers.

New Section 2. As used in this act, unless the context clearly requires otherwise the following words and phrases shall have the meanings ascribed to them herein:

(a) "Farm equipment" means equipment including, but not limited to, tractors, trailers, combines, tillage implements, bailers and other equipment, including attachments and repair parts therefor, used in planting, cultivating, irrigation, harvesting and marketing of agricultural products, excluding self-propelled machines designed primarily for the transportation of persons or property on a street or highway;

(b) "farm equipment manufacturer" means any person, partnership, corporation, association or other form of business enterprise engaged in the manufacturing, assembly, wholesale, sale or distribution of farm equipment, including any person, partnership or corporation which acts for or on behalf of such manufacturer, assembler, wholesaler or distributor in connection with the sale of said farm equipment;

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(c) "farm equipment dealer" or "farm equipment dealership" means any person, partnership, corporation, association or other form of business enterprise primarily engaged in the retail sale or service of farm equipment under a dealership agreement;

(d) "dealership agreement" means a contract or agreement, either expressed or implied, whether oral or written, between a farm equipment manufacturer and a farm equipment dealer by which the farm equipment dealer is granted the right to sell, distribute or service the manufacturer's farm equipment regardless of whether said farm equipment carries a trade name, trademark, service mark, logotype, advertising or other commercial symbol, and in which there is a continuing commercial relationship between the farm equipment manufacturer and the farm equipment dealer;

(e) "continuing commercial relationship" means any relationship in which the farm equipment dealer has been granted the right to sell or service farm equipment manufactured by the farm equipment manufacturer for a period of three consecutive months.

New Section 3. No farm equipment manufacturer, directly or through any officer, agent or employee may terminate, cancel, fail to renew or substantially change the competitive circumstances of a dealership agreement without good cause. For the purposes of this subsection, good cause means and includes the failure by a farm equipment dealer to substantially comply with essential and reasonable requirements imposed upon the Dealer by the Dealership Agreement, provided such requirements are not different from those requirements imposed on other similarly-situated dealers either by their terms or in the manner of their enforcement.

(b) Except as otherwise provided in this section, a farm equipment manufacturer shall provide a farm equipment dealer at least ninety (90) days' prior written notice of termination, cancellation or nonrenewal of the dealership agreement. The notice shall state all reasons constituting good cause for termination, cancellation or nonrenewal and shall provide that the dealer has sixty (60) days in which to cure any claimed deficiency. If the deficiency is rectified within 60 days the notice shall be void. The notice

and right to cure provisions of this section shall not apply if the reason for termination, cancellation or nonrenewal is for: (1) Commission of a felony, reflecting the relationship between the dealer and manufacturer; (2) insolvency; (3) the occurrence of an assignment for the benefit of creditors; or (4) bankruptcy of the farm equipment dealer. If the reason for termination, cancellation or nonrenewal is nonpayment of sums due the farm equipment manufacturer, the farm equipment dealer shall be entitled to written notice of such default, and shall have ten (10) days from the date of delivery of said notice in which to remedy such default from the date of delivery of said notice.

(c) It shall be a violation of this act for any farm equipment dealer to transfer, assign or sell any interest in a farm equipment dealership agreement evidenced by a writing to another person, unless the farm equipment dealer shall first notify any farm equipment manufacturer who is a party to said written dealership agreement of such intention by written notice, sent certified mail, setting forth in the notice of intent: the prospective transferee's name, address, statement of financial qualification and business experience during the previous five (5) years. The farm equipment manufacturer shall, within one hundred twenty (120) days after receipt of such notice, either approve in writing to the farm equipment dealer such sale to the proposed transferee or, by written notice, advise the farm equipment dealer of the unacceptability of the proposed transferee, setting forth material reasons relating to the character, financial ability or business experience of the proposed transferee, taking into consideration the interest to be acquired by the transferee. No farm equipment manufacturer shall refuse to accept the prospective transferee unless such refusal is based on reasonable, material grounds relating to the character, financial ability or business experience of the proposed transferee. If the farm equipment manufacturer does not reply within the specified one hundred twenty (120) days, his approval shall be deemed to be granted. No transfer, assignment or sale of a majority interest in a farm equipment dealership or dealership agreement shall be valid unless the transferee agrees in writing to comply with all the requirements of the dealership agreement then in effect.

New Section 4. (a) It shall be deemed to be a violation of this act for a farm equipment manufacturer to coerce, or attempt to coerce, any farm equipment dealer to order or accept delivery of any farm equipment, parts or accessories therefor, which such farm equipment dealer has not voluntarily ordered.

(a) It shall be deemed a violation of this act for a farm equipment manufacturer: (1) To condition, or attempt to condition, the sale of any farm equipment or a requirement that the farm equipment dealer also purchase other goods or services; except that nothing herein shall be deemed to prohibit a farm equipment manufacturer from requiring the dealer to purchase all parts reasonably necessary to maintain the quality of operation in the field of any farm equipment used in such dealer's trade area; (2) to coerce or attempt to coerce any farm equipment dealer into a refusal to purchase the farm equipment manufactured by another farm equipment manufacturer; or (3) to discriminate in the prices charged for farm equipment of like grade and quality sold by the farm equipment manufacturer to similarly-situated farm equipment dealers, except that nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such farm equipment is sold or delivered, by the farm equipment manufacturer.

New Section 5. Any term of a dealership agreement, either expressed or implied, which is inconsistent with the terms of this act shall be void and unenforceable and shall not waive any rights which are provided to any person by this act.

New Section 6. From and after the effective date of this act, no farm equipment manufacturer shall open a retail farm equipment dealership in the state of Kansas and operate it with company personnel, employees, a subsidiary company, commissioned agent or under a contract with any person, firm or corporation managing a farm equipment dealership on a fee arrangement with the

farm equipment manufacturer. The farm equipment dealership shall be operated by an independent farm equipment dealer who is neither affiliated with, dominated or controlled by the farm equipment manufacturer. Notwithstanding the foregoing provisions of this section:

(a) A farm equipment manufacturer who currently operates a retail farm equipment dealership in the state of Kansas with company personnel, employees, a subsidiary company, commissioned agent, or under a contract with any person, firm or corporation managing a store on a fee arrangement with the farm equipment manufacturer may continue to operate said business until July 1, 1988.

(b) An equipment manufacturer or affiliate may own, manage or operate an equipment dealership for a term not to exceed eighteen (18) months after the lawful termination or cancellation of a farm equipment dealership pursuant to the terms of this act.

(c) An equipment manufacturer may participate in the ownership, management or operation of an equipment dealership under a written agreement with an independent equipment dealer if, under such an agreement, the independent equipment dealer has made a significant investment in such equipment dealership and has the right to acquire full ownership, management and operation of such equipment dealership upon satisfaction of reasonable terms and conditions.

(d) A farm equipment manufacturer may own and operate a retail farm equipment dealership in any trade area for such time period as such Manufacturer cannot find an independent farm equipment dealer to own and operate a retail farm equipment dealership to represent said manufacturer.

New Section 7. If any farm equipment manufacturer violates any provision of this act, a farm equipment dealer may bring an action against such manufacturer in any court of competent jurisdiction for damages sustained by the dealer as a consequence of the Manufacturer's violation, together with the actual costs of the action, including reasonable attorney's fees, and the dealer also may be granted injunctive relief against unlawful termination, cancellation, nonrenewal or substantial change of competitive circumstances.

The remedies set forth in this section shall not be deemed exclusive and shall be in addition to any other remedies permitted by law. The attorney general is also empowered to enforce compliance with this act by institution of a civil suit for injunctive relief.

New Section 8. This act shall be known and may be cited as the "Kansas agricultural equipment dealership act."

New Section 9. This act shall take effect and be in force from and after its publication in the statute book.

STATE OF KANSAS



STATE BOARD OF AGRICULTURE

HARLAND E. PRIDDLE, Secretary

MEMORANDUM

28 January 1986

TO: Senator Jim Allen, Chairman
Members, Senate Committee on Agriculture

FROM: Don Jacka, Assistant Secretary
State Board of Agriculture

RE: Proposed Legislation, 1986 Legislature

Appended please find the only amendment which the State Board of Agriculture requests to statutes enforced by this agency. This amendment relates to the Plant Pest Act by including newly imported weeds as a plant pest in that statutes' definition section. This would allow the use of quarantine and eradication procedures on newly imported weeds to Kansas. Presently, we have no ability to control new "pest" weeds until they are declared "noxious" by the Legislature.

attachment 5

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PROPOSED CHANGES TO THE PLANT PEST ACT

2-2113. **Definitions.** Words used in this act shall be construed to import either the singular or plural, as the case demands, and the following terms shall have the following meanings:

(a) "Plant pests" shall include any stage of development of any insect, nematode, arachnid, or any other invertebrate animal, or any bacteria, fungus, microorganism, virus, weed, or any other ~~parasite~~ plant which can injure plants or plant products.

(b) "Board" shall mean the state board of agriculture.

(c) "Secretary" shall mean the secretary of the state board of agriculture, or the authorized representative of the board or its secretary.

(d) "Plants and plant products" shall mean trees, shrubs, grasses, vines, forage and cereal plants and all other plants; cuttings, grafts, scions, buds and all other parts of plants; and fruit, vegetables, roots, bulbs, seeds, wood, lumber, grains and all other plant products.

(e) "Nursery stock" means and includes any wild or cultivated trees, shrubs, grasses, vines, and cuttings, grafts, scions, buds, and other parts of such plants grown or kept for propagation.

(f) "Nursery" means any grounds or premises on or in which nursery stock is propagated, or grown, or from which nursery stock is removed for sale, or any grounds or premises on or in which nursery stock is being fumigated, treated, packed, stored, or offered for sale.

(g) "Nurseryman" means and includes any person who owns, leases, manages, or is in charge of a nursery.

(h) "Dealer" means and includes any person not a grower of nursery stock who procures nursery stock for the purpose of sale or distribution independent of any control of the nurseryman.

(i) "Agent" means any person selling nursery stock under the partial or full control of a nurseryman, or a dealer.

(j) "Person" means and includes a corporation, company, society, association, partnership, governmental agency and any individual or combination of individuals.

(k) "Permit" means a document issued or authorized by the secretary to provide for the movement of regulated articles to restricted destinations for limited handling, utilization, or processing.

(l) "Host" means any plant or plant product upon which a plant pest is dependent for completion of any portion of its life cycle.

(m) "Regulated article" means any host or any article of any character as described in a quarantine as carrying or being capable of carrying the plant pest against which the quarantine is directed.

History: L. 1965, ch. 6, § 2; June 30.