

Approved April 2, 1987
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Robert S. Wunsch at
Chairperson

3:30 a.m./p.m. on March 26, 1987 in room 313-S of the Capitol.

All members were present except:

Committee staff present:

Jerry Donaldson, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Senator Roy Ehrlich
Bill Fuller, Kansas Farm Bureau
Wilbur G. Leonard, Committee of Kansas Farm Organizations
Terry Shistar, Kansas Sierra Club, Lawrence

The minutes of March 18 and 19 were approved.

Continuation of hearing on S.B. 236 - Authorizing use of forfeited controlled substances
to train dogs for controlled substance detection.

Senator Ehrlich testified this bill was requested by Deputy Sheriff Shelley Laurent, Barton County. The bill will authorize law enforcement agencies to acquire narcotics necessary to train narcotic detector dogs. No one appeared in opposition when it was heard in the Senate Judiciary Committee, and the bill passed in the Senate 40 to 0. Deputy Sheriff Shelley Laurent's testimony was distributed (See Attachment I).

Continuation of hearing on S.B. 278 - Injunctions against the misuse of registered
agricultural chemicals

Bill Fuller testified the intent of S.B. 278 is to discourage nuisance lawsuits and actions. The bill states the court shall assess reasonable attorney fees and court costs against individuals or groups who file injunctions or bring civil suits against a party for the misuse of agricultural chemicals if the court finds the party or defendant used the chemicals according to label instructions. Mr. Fuller recommended reimbursement should also include crop losses that resulted from the legal action (See Attachment II).

Wilbur Leonard testified in support of S.B. 278. The farmer or rancher who is using approved chemicals in a manner which has been prescribed by the manufacturers and authorized by various federal and state regulatory agencies should be permitted to proceed in that manner. He stated this bill will induce some reasonable restraints where they are needed and urged the Committee to recommend it favorably for passage (See Attachment III).

Mike Beam, who was not present, submitted written testimony, (See Attachment IV). Mr. Beam represents the Kansas Livestock Association.

Terry Shistar said following label instructions should not be expected to be an answer to preventing any damage by pesticides.

The hearing was closed on S.B. 278.

The Committee considered the following bills for final action:

S.B.25 - Limitations on liability of certified public accountants

Representative Duncan moved to report S.B. 25 favorably for passage. Representative Walker seconded and the motion passed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,
room 313-S, Statehouse, at 3:30 ~~xxxm~~/p.m. on March 26, 19 87

H.B. 2190 - Divorce, disposition of property acquired by one spouse

Representative Buehler distributed amendments to H.B. 2190 and explained the amendments to the Committee (See Attachment V).

Representative Buehler moved to approve the amendments of the balloon. Representative Douville seconded the motion. The motion failed, 10 yeas, 11 nays.

Representative Sebelius moved to report H.B. 2190 adversely. The motion was seconded. The motion passed, 11 yeas, 10 nays.

S.B. 180 - Prompt payment of commissions to commission salespersons when contractual relationship terminates.

Representative O'Neal distributed a proposed Substitute for S.B. 180. He explained S.B. 180 as originally drafted had a technical error. The salespersons seeked to create an independent cause of action, yet in the bill they referenced statutes that provide for administrative appeal under Kansas wage payments statutes that protect wage earners. The substitute bill creates a procedure for salespersons to have the same remedies available to them that a wage earner does except they would have access to the district court and would not have to go through the administrative procedure. (See Attachment VI).

Representative O'Neal moved and Representative Solbach seconded to amend Section 3(a) by striking in line 4, "conceded" and insert "believed in good faith" in Substitute for S.B. 180. The motion passed.

A motion was made by Representative Vancrum and seconded by Representative Douville to report Substitute for S.B. 180, as amended, favorably for passage. The motion passed.

S.B. 97 - Probate procedure, allowance of demand without hearing.

The Chairman requested the Committee reconsider its action of March 25, 1987 on S.B. 97. He suggested the provisions of H.B. 2469 be amended into S.B. 97.

Representative Sebelius moved and Representative Kennard seconded to reconsider the Committee's action on S.B. 97. The motion passed.

Representative Sebelius moved to include the provisions of H.B. 2469 in S.B. 97. The motion was seconded by Representative Douville. The motion passed.

Representative Sebelius moved and Representative Kennard seconded to report S.B. 97, as amended, favorably for passage. The motion passed.

S.B. 272 - Criminal procedure, appeals by prosecution

A motion was made by Representative Fuller to include all felonies. Representative O'Neal seconded and the motion failed.

Representative Shriver moved to report S.B. 272 adversely. Representative Roy seconded the motion. The motion failed.

Representative Douville moved to report S.B. 272 favorably for passage. Representative Fuller seconded and the motion passed.

S.B. 289 - Docket fees, prosecuting attorneys' training fund.

Representative Fuller moved to amend S.B. 289 by increasing the fees by \$.50, except on line 314 the docket fee of \$28.50 be increased to \$30.00. The additional fees would be paid to the public defenders fund. Representative Sebelius seconded the motion.

Representative Sebelius distributed amendments to S.B. 289 which included the \$.50 increase in docket fees and provisions for allocating the \$.50 increase to the indigent's defense counsel training fund. (See Attachment VII)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,
room 313-S, Statehouse, at 3:30 ~~xxx~~/p.m. on March 26, 1987.

The Chairman announced the Committee may meet tomorrow upon adjournment.

The meeting was adjourned at 5:20 p.m.

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Jeanne Hoferer at
Chairperson

10:00 a.m./~~p.m.~~ on February 27, 1987 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Hoferer, Burke, Feleciano, Gaines, Langworthy, Parrish, Steineger and Winter.

Committee staff present:

Mike Heim, Legislative Research Department
Gordon Self, Office of Revisor of Statutes

Conferees appearing before the committee:

Deputy Sheriff Shelley Laurent, Barton County

Senate Bill 234 - Motor vehicle liability insurance; special mobile equipment exemption.

Staff was recognized to explain the bill. He stated the change in law is shown on page 4, line 133 of the bill that would exempt special mobile equipment from the provisions of the no-fault act. Committee discussion was held on the bill.

Senate Bill 236 - Authorizing use of forfeited controlled substances to train dogs for controlled substance detection.

Deputy Sheriff Shelley Laurent, Barton County, stated she had asked Senator Ehrlich to request the bill. She testified the purpose of the bill is to assist law enforcement agencies in the acquisition of narcotics necessary for the required training and utilization of narcotic detector dogs. Narcotic acquisition is essential in the training process as well as after certification for frequent practice. This training and retraining requires that all conditions be as near as possible to actual situations encountered by the canine teams in the field. A copy of her testimony is attached (See Attachment I).

During discussion a committee member inquired, how would you vision this working. She replied the controlled substances be turned over to the KBI. She reported there are five to ten dogs in the State of Kansas that are trained for this. They have to have the drugs to train the dogs, and they have to have the drugs to retrain them. They put in 16 hours a month in retraining. A committee member suggested language to provide the KBI shall be made available to obtain the drug when necessary for dog training agency and provide procedure when handling it. The chairperson asked staff to work on proper wording on the proposed amendment to present to committee members.

The meeting adjourned.

A copy of the guest list is attached (See Attachment II).

Attachment I
House Judiciary 3/26/87

Date: February 27, 1987
Re: Senate Bill 236

Testimony of Shelley Laurent, Deputy Sheriff
Barton County Sheriff Department
Great Bend, Kansas

Purpose: To assist law enforcement agencies in the acquisition of narcotics necessary for the required training and utilization of narcotic detector dogs.

To give a brief explanation of the process, canine detection training begins with four to six basic categories of drugs including heroin, cocaine, marijuana, hashish (THC), methamphetamine and barbiturate. Narcotics for the training are obtained in the purest form which releases the most odor to begin with then cut down gradually to street-level using the same cutting agents used by the abusers.

Narcotic acquisition is essential in the training process as well as after certification for frequent practice. This training and "re-training" requires that all conditions be as near as possible to actual situations encountered by the canine teams in the field.

Departments which utilize or train narcotic detector dogs are required to follow a detailed, time-consuming process which is necessary to meet the federal and state standards for the lawful possession and procurement of narcotics for this training.

These persons who handle the narcotics other than in the evidence procedure, must be licensed through the Kansas Board of Pharmacy and the Drug Enforcement Administration. This process for obtaining the licenses begins with an application to the Drug Enforcement Administration in the researcher category only for narcotics classified in schedules two through five. In order to obtain a license for schedule one narcotics, an additional application must be sent to the DEA along with a research protocol developed by the applicant.

This research protocol consists of the following:

- 1) Security provisions - a secure area for the permanent storage of the narcotics.
- 2) Two-stage Security System - includes those narcotics for secondary storage if necessary.
- 3) Chain of Custody - a very strict control of the narcotics at all times.

- 4) *Records System - an elaborate records-keeping system with custody records, order forms, and training notes.*
- 5) *Inventory - an inner-agency inventory and periodic checks of the system.*
- 6) *Qualifications - a detailed explanation of the qualifications of the researcher and in this case, the qualifications of the dog as well. This includes training, duties, etc.*
- 7) *Research Project - detailed explanation of the research and training as well as the name and qualifications of the canine team trainer; purpose of the training and the research-training areas.*

All aspects of the research-training are subject to approval and inspection at any time by representatives of the Drug Enforcement Administration and the Kansas Board of Pharmacy.

Once the application has been approved and the Drug Enforcement Administration has forwarded licenses for all drug schedules, a license for these same drug schedules must be obtained from the Kansas Board of Pharmacy. The board requires the same research protocol for schedule one drugs the same as the DEA. Once this is approved, the licensing fee of \$56.00 is paid by the researcher to the Board of Pharmacy.

These licenses enable the researcher to purchase any narcotics needed through pharmacies, labs, other researchers, or supply houses by use of DEA order forms.

Otherwise, if another department has obtained the proper licenses, other researchers can obtain the narcotics from that agency.

Departments which have an adequate budget order these narcotics from supply houses although the majority are usually allotted little or no funds at all. These officers are unable to obtain narcotics for the training and utilization of the dogs due to the extremely high cost of the narcotics through the supply houses. According to a local chemist, narcotics from the supply houses are not exactly what is needed for our purpose due to the extremely high purity level of the drugs which can make them ineffective as there will be little or no odor to them.

Included is a price list from one of the supply houses and the working cost of each narcotic listed.

The detector dog is a tremendous asset in the locating of illegal narcotics especially since the high courts have given so much leniency in the use of these dogs. For instance, the Supreme Court has decided that the sniff of a qualified canine of luggage at an airport is not considered a search as there is no reasonable expectation of privacy of the air surrounding property. U.S. vs. Place, 462 U.S. 696, 33 CrL 3186 (1983). The canine has also been determined to be used as probable cause for search warrants. This makes the dog an invaluable tool to law enforcement agencies.

I will not contend that this is the case in the entire state but this cost factor has been detrimental to us. It is possible that due to this cost, agencies might either discard the program or revert to using the narcotics from their own property vaults without the proper authority.

In our case, it took approximately six to nine months to obtain the proper licenses then we were unable to locate a source for the procurement of the drugs without the high cost. Personally, I contacted local Drug Enforcement personnel, the Kansas Bureau of Investigation, the National Council of Drug Abuse, Drug Abuse Prevention as well as the local judges and county attorney. Receiving very little assistance, I eventually contacted the director of the Drug Enforcement Administration in Washington D.C. who directed me to their lab in Chicago, Illinois.

From this lab we obtained heroin and cocaine to utilize at no cost. But again, the problem arose of the other necessary narcotics not being available through their agency either due to several factors. They do not have substantial quantities of the other narcotics and the drugs in the larger quantities had been in storage in the lab awaiting court and the "life" of the drug had expired.

The majority of the narcotics require storage in freezers or refrigerators to maintain the "life" of the drug. Our security system does not provide for this, therefore, the drugs have to be obtained more frequent which brings the cost even higher.

It would be feasible to use drugs which are in the custody of law enforcement agencies which are no longer needed for evidence in the agency's jurisdiction or from other agencies that have a considerable quantity also no longer needed as evidence.

At the present time, there is no direct statutory basis for the release of the drugs whether it be within the agency, from other agencies, or by court order.

Locally, our county attorney felt that there might be some type of civil liability held against the county if the drugs were released to us for the training without proper basis. The judge did not find adequate statutory basis for this and suggested that I take this route with the assistance of Senator Ehrlich.

I feel this change is imperative not only due to the high cost but also the advantage of obtaining drugs for the dog to train with which are the same or similar to those he will encounter once he is in a working status. We want to be able to obtain the necessary narcotics in a lawful manner.

I cannot speak for the other agencies, but our department would be more than willing to cooperate with other agencies and make the dogs available to other Kansas agencies if the need arises for detection once the dogs are trained and certified. Therefore, I feel this would be of statewide benefit.



PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON JUDICIARY

RE: S.B. 278 - Requiring reimbursement of costs when filing nuisance legal actions against proper use of registered agricultural chemicals

March 24, 1987
Topeka, Kansas

Presented by:
Bill R. Fuller, Assistant Director
Public Affairs Division
Kansas Farm Bureau

Mr. Chairman and Members of the Committee:

My name is Bill Fuller. I am the Assistant Director of the Public Affairs Division of Kansas Farm Bureau. We appreciate this opportunity to express our support of S.B. 278.

S.B. 278 amends K.S.A. 2-3201 et seq., commonly referred to as the "**Agricultural Nuisance Lawsuit Act:**"

2-3201. Protection of farmland and agricultural activities; purpose. It is the declared policy of this state to conserve and protect and encourage the development and improvement of farmland for the production of food and other agricultural products. The legislature finds that agricultural activities conducted on farmland in areas in which nonagricultural uses have moved into agricultural areas are often subjected to nuisance lawsuits, and that such suits encourage and even force the premature removal of the lands from agricultural uses. It is therefore the purpose of this act to provide agricultural activities conducted on farmland protection from nuisance lawsuits.

The intent of S.B. 278 is to discourage nuisance lawsuits and actions. **We believe individuals or groups who file injunctions or**

bring civil suits against the proper use of registered agricultural chemicals ... fertilizers, pesticides, herbicides and fungicides ... should be required to reimburse farmers, ranchers, county, state and federal governments for all costs when these legal actions are eventually shown to be unfounded or are overturned in a court of law. Using the product according to the label instructions should be considered "proper use."

Reimbursement should include:

1. Court costs;
2. Legal fees; and
3. Crop losses

... resulting from this legal action.

We support complete and detailed labeling. We do not condone misuse of agricultural chemicals.

These types of legal actions are becoming more prevalent nationwide as states become more urbanized. We believe this amendment to the "Agricultural Nuisance Lawsuit Act" will prevent unjustified financial burdens on Kansas agriculture. We appreciate this opportunity to express our support of S.B. 278 and respectfully ask you to approve the bill! Thank you!

RESTRICTED USE PESTICIDE
FOR RETAIL SALE TO AND USE ONLY BY CERTIFIED APPLICATORS OR PERSONS UNDER THEIR DIRECT SUPERVISION AND ONLY FOR THOSE USES COVERED BY THE CERTIFIED APPLICATOR'S CERTIFICATION.

Hoelon®

3EC HERBICIDE

**For Postemergence
Control of Wild Oats
and Other Annual Grasses in
Wheat, Including Durum,
Barley, Soybeans and Acreage
Conservation Reserve
(Set Aside).**

Keep Out of Reach of Children.

DANGER

**See Additional Precautionary
Statements at End of Label.**

EPA Reg. No. 8340-11

Active Ingredient*

Diclofop-methyl: methyl 2-
[4-(2,4-dichlorophenoxy) phenoxy] propanoate 35.49%

Inert Ingredients 64.51%

TOTAL 100.00%

*Equivalent to 3.0 pounds of active ingredient per gallon

American Hoechst Corporation
Agricultural Division
Somerville, New Jersey 08876

Hoechst



This product is registered for use in the following states:

Wheat, Barley, Soybeans and Acreage Conservation Reserve		Wheat and Barley Only	Wheat Only	Wheat Only	Soybeans & Acreage Conservation Reserve	Wheat, Soybeans & Acreage Conservation Reserve
Delaware	Nebraska	Arizona	Oklahoma	Alabama	Illinois	Louisiana
Kansas	North Dakota	California	Oregon	Arkansas	Indiana	New Jersey
Maryland	South Dakota	Colorado	South Carolina	Florida	Iowa	Ohio
Minnesota	Virginia	Idaho	Texas	Georgia	Kentucky	Pennsylvania
		Montana	Utah	Mississippi	Michigan	Wisconsin
		Nevada	Washington	Tennessee		
		New Mexico	West Virginia			
		North Carolina	Wyoming			

General Information

HOELON® 3EC Herbicide is a highly selective herbicide for the control of a broad spectrum of annual grassy weeds in wheat, including durum, barley, soybeans and acreage conservation reserve. HOELON is a three pound per gallon emulsifiable concentrate. For best results, HOELON should be applied when the majority of annual grassy weeds are in the one-to-three leaf stage of growth. Larger weeds, three-to-four leaves, will require a higher dosage rate. The stage of weed growth is as important as the number of weeds. In high populations, thorough uniform spray coverage of weeds is critical and use of flat fan nozzles is recommended for optimum coverage with ground equipment.

Special Notes:

1. HOELON 3EC does NOT control broadleaf weeds or perennial grassy weeds.
2. HOELON 3EC is a slow acting product, therefore, visual results will not be evident immediately following application.
3. Do NOT apply more than one application of HOELON in a growing season.
4. Do NOT allow livestock to graze treated fields. Do NOT harvest forage, hay or straw from treated fields prior to grain harvest.

Equipment Notes

Thorough uniform spray coverage of weeds is essential. Ground applications should be in at least 10 gallons of carrier per acre using a minimum of 40 psi and use of fan or hollow cone nozzles is recommended. Aerial applications must be applied in at least 5 gallons of carrier per acre. Use spray nozzle tips and spraying pressures which provide a small uniform droplet size (200-350 micron range).

Do not make aerial applications when wind is above 5 mph or within 100 feet of a lake, stream, drainage basin, tidal marsh, or estuary.

Only clean water, free of suspended matter or other contaminants, should be used when applying HOELON.

Apply HOELON as a Broadcast Postemergence Spray at the Rates Listed Below.

Susceptible Annual Grassy Weeds	Amount of HOELON Per Acre (pints)* Relative To Growth Stage Of Annual Grassy Weeds			
	1-3 Leaf	3-4 Leaf	4-5 Leaf	5 Leaf—2 Tillers
Annual Ryegrass (Italian) (<i>Lolium multiflorum</i>) ¹	1½ pints	1½ pints	2 pints	2¾ pints
Broadleaf Signalgrass (Suppression) (<i>Brachiaria platyphylla</i>)	2¾-3½ pints	Do Not Apply	Do Not Apply	
Crabgrass (<i>Digitaria sanguinalis</i>)	2¾-3½ pints	Do Not Apply		
Fall Panicum (<i>Panicum dichotomiflorum</i>)	2-2¾ pints	2¾-3½ pints		
Barnyardgrass (watergrass) (<i>Echinochloa crusgalli</i>)				
Giant Foxtail (<i>Setaria faberii</i>)				
Green Foxtail (pigeongrass) (<i>Setaria viridis</i>)				
Persian Darnel (<i>Lolium persicum</i>)				
Wild Oats (<i>Avena fatua</i>)				
Yellow Foxtail (pigeongrass) (<i>Setaria lutescens</i>)				
Witchgrass (suppression) (<i>Panicum capillare</i>)				
Itchgrass (Raoulgrass) (<i>Rottboellia exaltata</i>)				
Volunteer Corn (<i>Zea mays</i>)				

See specific control recommendations for Itchgrass and Volunteer Corn in this labeling.

¹ Annual ryegrass can also be controlled preemergence in wheat. See appropriate recommendation section in this labeling.

*When controlling mixed populations of grassy weeds, always use the rate that will control the least susceptible species. If tank mixing HOELON with nitrogen fertilizers, never use less than the 2 pint rate for ryegrass control.

Special Notes:

For best results, HOELON® 3EC should be applied when the majority of annual grassy weeds is in the one-to-four leaf stage of growth. For best control of crabgrass and yellow foxtail, applications should be made before the second leaf fully emerges. The stage of weed growth is more important than the number of weeds. Thorough uniform spray coverage of weeds is essential.

Rate Range for Each Crop/Region

Registered Crops	Rate Range For Each Crop/Region	Crop Growth Stage	
		Minimum	Maximum
1. Wheat, including Durum (All Regions)	1½-3½ pints	None	Before one node (jointing)
2. Barley (North Central, Southwest and Western Regions of U.S.)	1½-2¾ pints	None	Before one node (jointing)
3. Barley (Southeast and Midatlantic Regions of U.S.)*	1½-2 pints	After Tiller (Stooling) initiation	Before one node (jointing)
4. Soybeans, All registered states	2-3½ pints	None	Before formation of sixth trifoliate leaf

*HOELON can only be used on the following varieties of barley in the Southeast and Midatlantic Regions: Boone, Milton, Henry and Sussex. Applications of HOELON to other varieties of barley in the Southeast and Midatlantic Regions may result in crop damage.

Barley must be developed to tiller initiation in the Southeast and Midatlantic Regions prior to applying HOELON or increased crop response may be noted.

Directions for the Use of HOELON in Wheat & Barley

(The general information section of this label must also be read for complete use instructions.)

When using HOELON® 3EC Herbicide to control grassy weeds in the North Central, Southwest and Western U.S. and the grassy weed(s) do not include annual ryegrass, apply the 2 pint rate when the annual grassy weeds are in the 1-3 leaf stage of growth and growing conditions are optimal. Higher rates should be used (see chart) when the majority of the grassy weeds is not clearly in the specified stage of growth or if growth is retarded due to lack of moisture. Thorough spray coverage is essential.

Cold (lower than 40°F) and/or prolonged wet weather conditions increase the sensitivity of barley to HOELON, and HOELON should not be used under these adverse growing conditions.

Tank Mixes

Broadleaf Herbicides

HOELON can be tank mixed with Brominal® (2EC or ME4) or Buctril® (2EC) for broadleaf weed control in accordance with the label limitations and precautions for each product. No label dosage rates should be exceeded. HOELON should be used at the 2-3½ pint per acre rate as specified on this label. If Brominal is used, it should be mixed at a rate of 1½-2 pints/acre according to the directions specified on the label. Brominal ME4 should be used at ¾-1 pint/acre as specified. If Buctril is used, mix it at a rate of 1½-2 pints/acre as specified on the label. In either case, ground application should be made with a minimum of 10 gallons of water per acre, and air applications with a minimum of 5 gallons of water per acre. Other broadleaf herbicides should not be applied within 5 days of a HOELON application. If other broadleaf herbicides are applied within 5 days of a HOELON application, reduced grassy weed control may occur.

Crop Oil Concentrate

In spring wheat only, at the lower labeled usage rates, it may be helpful to use 1 pint to 1 quart of crop oil concentrate approved for use on growing crops. Use an oil concentrate containing a blend of 80% (minimum) petroleum or vegetable base oil and the remaining composed of a tolerance exempt surfactant. Some slight wheat yellowing may be noted when oil concentrates are added to HOELON. Do not apply oil concentrate or other additives with HOELON for use on barley.

Fertilizers

HOELON can be tank mixed with liquid nitrogen fertilizers, (e.g., 28-32%) if the timing for use is compatible. When mixing with liquid nitrogen fertilizers, as a partial or total carrier, increased crop burn may occur. This condition is intensified under higher temperatures (greater than 75°F daytime) and/or low soil moisture. Mixtures of HOELON and nitrogen fertilizers should not be used when these environmental conditions are present. Thorough spray coverage is essential when using HOELON and fan-type nozzles are recommended for ground applications.

Preemergence Use to Control Annual Ryegrass in Fall Planted Wheat (Winter Wheat)

Apply HOELON® 3EC Herbicide preemergence (at planting) to wheat to control annual ryegrass. HOELON should be applied at a rate of 2 pints to 2½ pints depending upon soil type and annual ryegrass density. In coarse textured soils with less than 2% organic matter, use the 2 pint per acre rate. In fine textured soils with greater than 2% organic matter, use the 2½ pint per acre rate. In fields that have a history of heavy annual ryegrass pressures, always use the 2½ pint rate. If rainfall does not occur within seven (7) days after application, reduced control may occur.

DO NOT apply HOELON preemergence to barley as barley damage will occur. HOELON applied preemergence will not control wild oats.

Directions for the Use of HOELON in Soybeans

Apply HOELON at the higher labeled rates when the development of the majority of grassy weeds is not clearly in the specified stages of growth or if growth is retarded due to adverse growing conditions.

Under these conditions, the addition of 1 pint to 1 quart of crop oil concentrate may result in improved weed control. Use an oil concentrate containing a blend of 80% (minimum) petroleum or vegetable base oil with the remaining composed of a tolerance exempt surfactant.

Banded applications of HOELON may be made using the following formula to calculate applications:

$$\frac{\text{Band width in inches}}{\text{Row width in inches}} \times \text{Rate/acre} = \text{Amount needed for treatment}$$

Volunteer Corn & Itchgrass

Heavy infestations of volunteer corn (especially when uneven emergence is occurring from ears buried at varying soil depths) should be treated as a special weed problem. Apply HOELON after ALL of the volunteer corn has emerged but before the first emerged corn grows to a height where thorough coverage (including the whorl) is not possible. Spray boom height and pressures should be adjusted to obtain total coverage of the entire volunteer corn plant. Thorough coverage of the volunteer corn foliage and penetration of clumps is essential. Use 2 to 3½ pints of HOELON in 10 to 40 gallons of water per acre at not less than 40 psi.

At the lower labeled use rate, use 1 pint to 1 quart of crop oil concentrate approved for use on growing crops. Use an oil concentrate containing a blend of 80% (minimum) petroleum or vegetable base oil with the remaining composed of a tolerance exempt surfactant. Spot treatments of clumps may be necessary.

For treatment of individual clumps of volunteer corn use 1½ fluid ounces per one gallon of spray/acre (3½ pints per 40 gallons). In mixed annual grassy weed/volunteer corn infestations, the delayed broadcast application of HOELON to control heavy infestations of volunteer corn could result in reduced control of any annual grassy weeds that have grown beyond the recommended leaf stages. Do not apply more than one application of HOELON in a growing season.

(Continued)

For postemergence control of itchgrass, apply HOELON to emerged itchgrass before it has grown beyond 10-12 inches in height. Use 2 $\frac{2}{3}$ pints of HOELON in at least 10 gallons of water per acre. Flat-fan nozzles and a pressure of at least 40 pounds per square inch have proven most effective. HOELON may be used on a broadcast basis sprayed directly over-the-top of the soybeans. Complete coverage of itchgrass is essential. The delayed application of HOELON to control heavy infestations of itchgrass may give reduced control of other susceptible annual grasses. HOELON is most effective when the grasses are actively growing. It is less effective when used under drought stress.

Special Notes:

1. Do NOT tank mix HOELON® 3EC Herbicide with any other herbicide or apply any other herbicide within one week of a HOELON 3EC application.
2. Banvel®, 2,4-D and other phenoxy herbicide injury sometimes occurs in soybean fields treated with HOELON even though these herbicides were not recently used in the sprayer. This situation is not caused by HOELON and is often caused by sprayer contamination. If these products have been used in your sprayer, refer to AHC Technical Service Bulletin No. 100, "How to Avoid Sprayer Contamination," available through your HOELON supplier.

Directions for Use of HOELON® 3EC

Acreage Conservation Reserve (Set-Aside)

(The general information section of this label must also be read for complete use instructions.)

HOELON may be used to control the annual grassy weeds in acreage conservation reserve or set-aside programs. This acreage is often seeded to wheat, clover or alfalfa as a cover crop. These cover crops have excellent tolerance to HOELON. Use 2 pints to 3 $\frac{1}{3}$ pints of HOELON per acre when the annual grassy weeds are in the one to four leaf stage as noted in the use directions section of this labeling. In most situations, 2 pints of HOELON plus 2 pints of crop oil concentrate will offer commercially acceptable control of annual grasses in acreage conservation reserve programs. Apply HOELON early to young actively growing grassy weeds. Do NOT harvest or graze cover crops treated with HOELON. Do NOT apply to cover crops such as oats, sorghum, and sudan grass as injury may occur.

Keep Out of Reach of Children

DANGER

Precautionary Statements

Hazards to Humans and Domestic Animals

Causes eye and skin damage. Do not get in eyes or on skin or clothing. Wear goggles and respirator when handling. Avoid contact or inhalation of spray mist. Wash thoroughly after using and change clothing. Do not take internally.

The following protective apparel must be worn during all loading and mixing operations and when applied by ground equipment: gloves, waterproof boots, impermeable pants and shirts, goggles and a cartridge type respirator. Aerial pilots are not to be involved in the mixing and loading unless the aforementioned equipment is worn. Pilots must wear a cartridge type respirator during application unless the aircraft is equipped with an air filter system.

The Environmental Protection Agency has concluded that dicrofop-methyl, the active ingredient in this product, produces tumors in laboratory mice. This effect was not observed in other species tested. The user must read and follow all precautionary statements on this label. Give particular attention to protective clothing requirements.

Environmental Hazards

This pesticide is toxic to fish. Use with care when applying in areas adjacent to any body of water. Keep out of lakes, streams, ponds, drainage basins, tidal marshes and estuaries. Do not apply when weather conditions favor runoff or drift. Avoid direct application or drift of spray material to water surfaces. Do not apply within 100 feet of aquatic habitat. Do not contaminate arable land and/or water by cleaning of equipment and/or disposal of waste.

First Aid

In case of skin or eye contact, immediately flush with plenty of water for at least 15 minutes.

If swallowed, DO NOT INDUCE VOMITING but seek medical attention immediately.

Note to Physician: Aspiration hazard may contraindicate the use of gastric lavage.

Storage and Disposal

Do not contaminate water, food, or feed by storage or disposal.

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Do not store below 20°F.

Important Notice: Disclaimer

Read "IMPORTANT NOTICE: DISCLAIMER" before buying or using. If terms are not acceptable, return at once unopened. AMERICAN HOECHST CORPORATION warrants only that the product conforms to the chemical description on the label and is reasonably fit for the purpose stated on the label when used in accordance with the directions under normal conditions of use. This warranty does not extend to the use of this product contrary to label instructions or under abnormal conditions, or under conditions not reasonably foreseeable to AMERICAN HOECHST CORPORATION, and user assumes the risk of any such use. AMERICAN HOECHST CORPORATION MAKES NO OTHER WARRANTY, EXPRESS OR IMPLIED, INCLUDING ANY OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE OR OF MERCHANTABILITY. In no case shall AMERICAN HOECHST CORPORATION be liable for consequential, special, indirect or incidental damages resulting from the use or handling of this product. The foregoing conditions of sale and warranty can be varied only by an agreement in writing signed by a duly authorized representative of AMERICAN HOECHST CORPORATION.

American Hoechst Corporation
Agricultural Division
Somerville, New Jersey 08876

Dec., 1984 UH 8509051

Hoechst



SUPPLEMENTAL LABELING

HOELON® 3EC HERBICIDE
(EPA Reg. No. 8340-11)

RESTRICTED USE PESTICIDE
For retail sale to and use only by Certified
Applicators or persons under their direct supervision
and only for those uses covered by the
certified applicator's certification.

DIRECTIONS FOR USE FOR TANK MIXES

IMPORTANT

Before using this product, read and carefully observe all applicable directions, restrictions and precautionary statements on the EPA approved Hoelon 3EC container and use directions labels and on the labels of each tank mix product.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. This labeling must be in the possession of the user at the time of application.

BROADLEAF HERBICIDES

All broadleaf herbicides labeled for tank mixing with HOELON should be used in accordance with the label limitations and precautions for each product. No label dosage rate should be exceeded. For best results HOELON tank mixes should be used only when growing conditions (air temperature and soil moisture) are optimum, and grasses are in the 2-3 leaf stage with light to moderate infestations. Broadleaf herbicides, other than those listed below, should not be applied within five days of a HOELON application. If other broadleaf herbicides are applied within five days of a HOELON application, reduced grassy weed control may occur.

The ME4® Brominal® or Buctril® (2EC) plus MCPA (ester) (4EC) tank mix or the Glean® Herbicide tank mix is for use in wheat only (winter wheat only for the HOELON plus Glean tank mix) for the control of wild oats, annual ryegrass, and green foxtail (pigeongrass). Applications should be made by ground in a minimum of ten gallons of water per acre.

ME4 BROMINAL or BUCTRIL (2EC)

HOELON should be used at the 2 - 3 1/3 pint per acre rate as specified on the label. If Buctril (2EC) is used, it should be mixed at a rate of 1 1/2 - 2 pints per acre according to the directions specified on the label. ME4 Brominal should be used at 3/4 - 1 pint per acre as specified on the label. Ground application should be made with minimum of ten gallons of water per acre and air applications with a minimum of five gallons of water per acre.

ME4 BROMINAL or BUCTRIL (2EC) Plus MCPA (ester) (4EC)

Low rates of MCPA (ester) (4EC) can be added to a tank mix of HOELON plus ME4 Brominal or Buctril (2EC). HOELON should be used at a rate of 2 2/3 - 3 1/3 pints per acre. When Buctril (2EC) is used, a rate of one pint per acre should be tank mixed with MCPA (ester) (4EC) at 1 1/2 ounces per acre. If ME4 Brominal is used, a rate of 1/2 pint per acre should be tank mixed with MCPA (ester) (4EC) at 1 1/2 ounces per acre. MCPA rates in excess of 1 1/2 ounces per acre may interfere with grass control by HOELON.

GLEAN

HOELON can be tank mixed with Glean for broadleaf weed control in winter wheat only. HOELON should be used at a rate of 2 2/3 - 3 1/3 pints per acre. The rate of Glean should not exceed 1/4 ounces per acre. Refer to the Glean Label for crop rotation restrictions and weed species controlled at the 1/4 ounce per acre rate. Prior to the use of Glean, determine soil pH by laboratory analysis using a 1:1 soil:water suspension. DO NOT use Glean on soils with pH greater than 7.5.

4/85

American Hoechst Corporation
Agricultural Division
Somerville, New Jersey 08876

Hoechst



Kansas Farm Organizations

Wilbur G. Leonard
Legislative Agent
109 West 9th Street
Suite 304
Topeka, Kansas 66612
(913) 234 9016

TESTIMONY IN SUPPORT OF SB NO. 278

Before the House Judiciary Committee

March 24, 1987

Mr. Chairman and Members of the Committee:

I am Wilbur Leonard, legislative agent for the Committee of Kansas Farm Organizations. I appreciate this opportunity to appear before the Judiciary Committee to present the views of our 22 member organizations in support of Senate Bill No. 278.

The use of various agricultural chemicals has become a vital part of the production of grains and meat. Certain chemicals have been developed and approved for various agricultural uses while others have been banned. We believe that the farmer or rancher who is using those approved chemicals in a manner which has been prescribed by the manufacturers and authorized by the various federal and state regulatory agencies should be permitted to proceed in that manner.

Anyone who uses chemicals, whether to control weeds or pests, has both the moral and the legal responsibility to proceed in a prudent manner, to follow the manufacturers' instructions and to not cause injury to others. We do not seek a legislative license to inflict harm on any person or group, but we do ask for protection from unwarranted legal interferences, especially from those who hold a philosophical difference of opinion when it comes to the use of chemical agents in the environment.

The timing of agricultural activities often means the difference between a profitable crop or financial disaster. To interrupt a farming

process by court action, even for a short time, can lead to substantial crop losses. Whole fields could be destroyed while legal maneuverings drag on. It's little consolation for a farmer to be vindicated in a court action if his crops have been lost in the process.

This bill is is intended to slow down those fast-draw litigation minded individuals and organizations which otherwise have no responsibility for their hasty actions. Why shouldn't they be made to pay for their erratic behavior?

For those who would say that this might discourage otherwise meritorious cases, let's look at the whole picture. If there is misuse of agricultural chemicals, the injunctive procedure remains as a reasonable course to pursue, but the plaintiff and his or its lawyers must act on facts, not mere conjecture. If they are persuaded more by prejudice than common sense and a farmer or rancher is damaged through improper legal action, this bill provides an avenue for compensation for the innocent litigant.

Further, if chemicals are improperly used and damages result therefrom, the aggrieved party has the right to bring an action to recover his loss and costs.

Finally, we do not support this bill in the hope that the agricultural community will collect monetary damages from individuals or organizations. We sincerely trust that it would never be necessary to invoke its provisions, but that it would serve as a notice to a militant, well intentioned minority that they should stop, look, listen and proceed with caution in seeking to halt normal, legitimate agricultural endeavors.

We believe Senate Bill No. 278 will induce some reasonable restraints where they are needed and we urge the Committee to recommend it favorably for passage.

Members of the Committee of Kansas Farm Organizations:

ASSOCIATED MILK PRODUCERS
KANSAS AGRI-WOMEN
KANSAS ASSOCIATION OF SOIL CONSERVATION DISTRICTS
KANSAS ASSOCIATION OF WHEAT GROWERS
KANSAS COOPERATIVE COUNCIL
KANSAS CORN GROWERS ASSOCIATION
KANSAS ELECTRIC COOPERATIVES
KANSAS ETHANOL ASSOCIATION
KANSAS FARM BUREAU
KANSAS FERTILIZER & CHEMICAL INSTITUTE, INC.
KANSAS GRAIN & FEED DEALERS ASSOCIATION
KANSAS LIVESTOCK ASSOCIATION
KANSAS MEAT PROCESSORS ASSOCIATION
KANSAS PORK PRODUCERS COUNCIL
KANSAS RURAL WATER DISTRICT ASSOCIATION
KANSAS SEED DEALERS ASSOCIATION
KANSAS SHEEP ASSOCIATION
KANSAS SOYBEAN ASSOCIATION
KANSAS STATE GRANGE
MID-AMERICA DAIRYMEN
KANSAS VETERINARY MEDICAL ASSOCIATION
KANSAS WATER WELL ASSOCIATION



2044 Fillmore • Topeka, Kansas 66604 • Telephone: 913/232-9358
Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

Statement of the
KANSAS LIVESTOCK ASSOCIATION
in support of
SENATE BILL 278
to the
HOUSE JUDICIARY COMMITTEE
Representative Robert Wunsch, Chairman
presented by
MIKE BEAM
Executive Secretary
Cow-Calf/Stocker Division

March 24, 1987

Mr. Chairman and Committee members, I'm Mike Beam with the Kansas Livestock Association. KLA's membership consists of approximately 9,000 members who are involved in livestock production and other farming activities which often involve the use of agriculture chemicals. We support SB 278 which reimburses farmers/defendants if they are falsely charged with the misuse of agricultural chemicals.

This bill should inhibit unfounded charges against farmers and ranchers who abide by product label instructions. A harassing lawsuit or injunction can cause serious problems for producers.

Let's look at an example of how costly an injunction can be against a farmer. The application of pesticides and herbicides must be done in a timely matter. Conceivably, a neighbor could file an injunction against a farmer to prevent him from applying the chemical at the time which is necessary for effectiveness. It is extremely costly to not apply the fertilizer in time or spraying for insects after much of the crop damage has taken place.

If a person is not using chemicals according to label, this bill should not keep an interested party from filing a lawsuit or injunction. The bill will help compensate farmers who must defend themselves when innocent. We urge the committee to support SB278. Thank you.

Attachment IV
House Judiciary 3/26/87

157 any order under this section.

158 (b) *Financial matters.* (1) *Division of property.* The decree (A)

159 shall divide the real and personal property of the parties,

160 whether owned by either spouse prior to marriage, acquired by

161 either spouse in the spouse's own right after marriage or ac-

162 quired by the spouses' joint efforts, by: ~~(A)~~ a division of the (i)

163 property in kind; ~~(B)~~ awarding the property or part of the prop- (ii)

164 erty to one of the spouses and requiring the other to pay a just

165 and proper sum; or ~~(C)~~ ordering a sale of the property, under (iii)

166 conditions prescribed by the court, and dividing the proceeds of

167 the sale. In making the division of property the court shall

168 consider the age of the parties; the duration of the marriage; the

169 property owned by the parties; their present and future earning

170 capacities; the time, source and manner of acquisition of prop-

171 erty; family ties and obligations; the allowance of maintenance

172 or lack thereof; dissipation of assets; and such other factors as the

173 court considers necessary to make a just and reasonable division

174 of property. Notwithstanding the provisions of subsection (b) of (B)

175 *K.S.A. 23-201 and amendments thereto, any property acquired*

176 *by either spouse, in the spouse's own right, by descent, devise,*

177 *bequest or gift from any person except the other spouse, shall be*

178 *presumed to be the sole and separate property of the spouse who*

179 *acquired it, to be awarded to that spouse and excluded from*

180 *consideration in making the division of property, unless the*

181 *court determines that the result would be unjust and unreason-*

182 *able, considering all relevant factors.*

183 (2) *Maintenance.* The decree may award to either party an

184 allowance for future support denominated as maintenance, in an

185 amount the court finds to be fair, just and equitable under all of

186 the circumstances. The decree may make the future payments

187 modifiable or terminable under circumstances prescribed in the

188 decree. In any event, the court may not award maintenance for a

189 period of time in excess of 121 months. If the original court

190 decree reserves the power of the court to hear subsequent

191 motions for reinstatement of maintenance and such a motion is

192 filed prior to the expiration of the stated period of time for

193 maintenance payments, the court shall have jurisdiction to hear a

unless the court determines that the result would be unjust and unreasonable, considering the above factors: (i) The entry value of any property, other than cash, checking or savings accounts and other similar liquid assets,

or a relative of the other spouse

nonmarital

; and (ii) the entry value of any property, other than cash, checking or savings accounts and other similar liquid assets, acquired by either or both spouses, by descent, devise, bequest or gift from a relative of one spouse, shall be presumed to be the sole and separate property of the spouse from whose relative the property was acquired, to be awarded to that spouse and excluded from consideration in making the division of property. However, if such property has been liquidated, the proceeds or any other property acquired by use of the proceeds shall be subject to division as marital property.

As used in this subsection (b)(1)(B), "entry value" means the value of the property at the time of the marriage or at the time the property came into the marriage, whichever is later.

PROPOSED HOUSE Substitute for SENATE BILL NO. 180

By

AN ACT

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

Section 1. As used in this act:

(a) "Commission salesperson" means a person who contracts with and is authorized by a principal to solicit within this state wholesale orders for that principal for merchandise to be shipped into this state or services to be performed within this state and who is compensated therefor by commission. Commission salesperson does not include a person who: (1) Places orders or purchases for the person's own account for resale; (2) sells products to the ultimate consumer; or (3) is an employee subject to the provisions of K.S.A. 44-313 et seq. and amendments thereto; (4) is a person licensed under the real estate brokers' and salespersons' license act; or (5) is engaged in door-to-door sales regulated by K.S.A. 50-604 and amendments thereto.

(b) "Commissions earned through the last day of the contractual relationship" or "earned commissions" means commissions with respect to services or merchandise which actually has been delivered or furnished to, accepted by and paid for by the customer by the last day of the commission salesperson's contractual relationship.

(c) "Contractual relationship" means the relationship between a principal and a commission salesperson based on a contract between them providing for the commission salesperson to solicit and make sales within this state of merchandise to be shipped into or services to be performed within this state.

(d) "Principal" means any individual, partnership, association, joint stock company, trust, corporation or administrator or executor of the estate of a deceased individual, or the receiver, trustee or successor thereof, contracting with a

commission salesperson to solicit and make sales within this state for merchandise to be shipped into this state or services to be performed within this state.

Sec. 2. (a) Subject to the provisions of subsection (d), whenever a principal discharges a commission salesperson or whenever a commission salesperson quits or resigns, the principal shall pay, at the usual place of payment, the commission salesperson's commissions earned through the last day of the contractual relationship not later than 30 days after the last day of the contractual relationship or by mail postmarked within that period.

(b) If a principal knowingly fails to pay a commission salesperson any earned commission as required by subsection (a), such principal shall be liable therefor and shall be additionally liable for damages in the fixed amount of 1% of the unpaid earned commissions for each day, except Sunday and legal holidays, upon which such failure continues after the eighth day after the day upon which payment is required or in an amount equal to the unpaid earned commissions, whichever is less, except that such penalty shall apply only in the event of a willful violation. For the purpose of such additional damages, the failure to pay shall not be deemed to continue after the date of the filing of a petition in bankruptcy with respect to the principal if such principal is adjudicated bankrupt upon such petition.

(c) If a principal fails to pay a commission salesperson any earned commission as required by subsection (a), such principal may be assessed interest as provided under K.S.A. 16-201 and amendments thereto on such commissions from the date such commissions are required to be paid pursuant to subsection (a).

(d) Notwithstanding the provisions of subsection (a), if the terminated or resigning commission salesperson was entrusted with the collection, disbursement or handling of money or property during the contractual relationship, such person has 10 days after the termination of the contractual relationship to

audit and adjust the accounts of such commission salesperson before the 30-day period required for payment of commissions earned through the last day of the contractual relationship begins. In such cases, the penalty provided in subsection (b) shall apply only after the expiration of the 10-day audit period and the 30-day period required under this subsection.

Sec. 3. (a) In case of a dispute over the amount of earned commissions due, the principal shall pay, without conditions and no later than 30 days immediately following the concession, all earned commissions, or parts thereof, conceded by the principal to be due, leaving to the salesperson all remedies that the salesperson might otherwise be entitled to, including those provided under this act, as to any balance claimed.

(b) Unless payment is made by binding settlement agreement, the acceptance by a commission salesperson of a payment under this section shall not constitute a release as to the balance of the salesperson's claim and any release required by a principal as a condition to payment shall be in violation of this act and shall be null and void.

Sec. 4. In the absence of actual notice of probate proceedings, the principal may pay, upon proper demand, wages due a deceased commission salesperson. Any such payment or payments shall be in the following order of preference: Spouse, children 18 years of age and over in equal shares, father, mother, sisters and brothers in equal shares, or the person to whom funeral expenses are due.

Sec. 5. In case of violation of section 2 by a corporate employer, either the corporation or any officer thereof or any agent having the management of the corporation who knowingly permits the corporation to engage in such violation shall be deemed the principal for purposes of this act.

Sec. 6. Any proceeding by one or more commission salespersons to assert any claim arising under or pursuant to this act may be brought in any court of competent jurisdiction.

Sec. 7. Nothing in this act shall be construed to prevent a commission salesperson from collecting commissions on merchandise

this act may be brought in any court of competent jurisdiction.

Sec. 7. Nothing in this act shall be construed to prevent a commission salesperson from collecting commissions on merchandise ordered prior to the last day of the contractual relationship but delivered and accepted after termination of the contractual relationship but the penalty prescribed in section 2 shall apply only with respect to the payment of commissions earned through the last day of the contractual relationship.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

0121 rized under K.S.A. 8-1910 or 66-1319, and amendments thereto,
 0122 to stop such motor carrier, truck or truck tractor for any violations
 0123 described in subsection (e) which relate to the regulation of
 0124 motor carriers, trucks or truck tractors, such agent or employee
 0125 may require the driver of the motor carrier, truck or truck tractor
 0126 so stopped to give a driver's license or bond in the same manner
 0127 and to the same extent as in subsections (a) and (c).

0128 (e) The offenses for which appearance bonds may be re-
 0129 quired as provided in subsection (c) and the amounts thereof
 0130 shall be as follows:

0131	Neckless driving	\$65	\$65.50	_____	\$66
0132	Failure to comply with lawful order of officer	40	40.50	_____	41
0135	Registration violation (registered for 12,000 pounds or				
0136	less)	35	35.50	_____	36
0138	Registration violation (registered for more than 12,000				
0139	pounds)	75	75.50	_____	76
0141	No driver's license for the class of vehicle operated or violation of				
0142	restrictions	35	35.50	_____	36
0144	Spilling load on highway	35	35.50	_____	36
0146	Overload:				
0147	Gross weight of vehicle or				
0148	combination of				
0149	vehicles	an amount equal to the fine			
0150			plus docket fee		
0151			to be imposed if convicted		
0152	Gross weight upon any				
0153	axle or tandem, triple				
0154	or quad axles	an amount equal to the fine			
0155			plus docket fee		
0156			to be imposed if convicted		
0157	Failure to obtain proper registration, clearance or to have current				
0158	certification as required by K.S.A. 66-1324 and amendments				
0159	thereto	255	255.50	_____	256
0161	Insufficient liability insurance for motor carriers pursuant to K.S.A.				
0162	66-1,128 or 66-1314, and amendments thereto	105	105.50	_____	106
0164	Failure to obtain interstate motor fuel tax authorization pursuant to				
0165	K.S.A. 79-34,122 and amendments thereto	105	105.50	_____	106
0167	Improper equipment (glass or fire extinguishers)	35	35.50	_____	36
0169	No authority as private, contract or common carrier	105	105.50	_____	106
0171	No current driver's daily log	35	35.50	_____	36
0173	Invalid or no physical examination card	35	35.50	_____	36
0175	Transporting open container of alcoholic liquor or cereal malt bev-				
0176	erage accessible while vehicle in motion	205	205.50	_____	206

0178 (f) In the event of forfeiture of any bond under this section,
 0179 ~~\$28~~ ~~\$28.50~~ of the amount forfeited shall be regarded as court \$29
 0180 costs in any court having jurisdiction over the violation of state
 0181 law.

0182 (g) None of the provisions of this section shall be construed
 0183 to conflict with the provisions of K.S.A. 8-1219 *et seq.*, and

0184 amendments thereto.

0185 Sec. 2. K.S.A. 1986 Supp. 20-362 is hereby amended to read
0186 as follows: 20-362. The clerk of the district court shall remit at
0187 least monthly all revenues received from docket fees as follows:

0188 (a) To the county treasurer, for deposit in the county treasury
0189 and credit to the county general fund:

0190 (1) A sum equal to \$10 for each docket fee paid pursuant to
0191 K.S.A. 60-2001 and amendments thereto, during the preceding
0192 calendar month;

0193 (2) a sum equal to \$10 for each \$30 docket fee paid pursuant
0194 to K.S.A. 61-2501 and amendments thereto; and

0195 (3) a sum equal to \$5 for each \$10 docket fee paid pursuant to
0196 K.S.A. 61-2501 or 61-2704, and amendments thereto, during the
0197 preceding calendar month.

0198 (b) To the board of trustees of the county law library fund, for
0199 deposit in the fund, a sum equal to the library fees paid during
0200 the preceding calendar month for cases filed in the county.

0201 (c) To the county treasurer, for deposit in the county treasury
0202 and credit to the prosecuting attorneys' training fund, a sum
0203 equal to ~~\$.50~~ \$1 for each docket fee paid pursuant to K.S.A.
0204 28-172a and amendments thereto during the preceding calendar
0205 month for cases filed in the county and for each fee paid pursuant
0206 to subsection (c) of K.S.A. 28-170 and amendments thereto dur-
0207 ing the preceding calendar month for cases filed in the county.

0208 ~~(d) To the state treasurer, for deposit in the state treasury and~~
0209 ~~credit to the law enforcement training center fund, a sum equal~~
0210 ~~to \$5 for each docket fee paid pursuant to K.S.A. 28-172a and~~
0211 ~~amendments thereto during the preceding calendar month.~~

0212 ~~(e) To the state treasurer, for deposit in the state treasury and~~
0213 ~~credit to the crime victims reparations fund, a sum equal to \$2 for~~
0214 ~~each docket fee paid pursuant to K.S.A. 28-172a and amendments~~
0215 ~~thereto during the preceding calendar month.~~

0216 ~~(f) To the state treasurer, for deposit in the state treasury and~~
0217 ~~credit to the state general fund, a sum equal to the balance which~~
0218 ~~remains from all docket fees paid during the preceding calendar~~
0219 ~~month after deduction of the amounts specified in subsections~~
0220 (a), (b), (c), (d) and ~~(e).~~

To the state treasurer, for deposit in the state treasury and credit to the indigents' defense counsel training fund, a sum equal to \$.50 for each docket fee paid pursuant to K.S.A. 28-172a and subsection (d) of K.S.A. 28-170, and amendments thereto, during the preceding calendar month.

(e)

(f)

(g)

, (e) and (f)

0221 Sec. 3. K.S.A. 28-170 is hereby amended to read as follows:
 0222 28-170. (a) The docket fee prescribed by K.S.A. 60-2001 and
 0223 amendments thereto shall be the only costs assessed for services
 0224 of the clerk of the district court and the sheriff in any case filed
 0225 under chapter 60 of the Kansas Statutes Annotated. For services
 0226 in other matters in which no other fee is prescribed by statute,
 0227 the following fees shall be charged and collected by the clerk.
 0228 Only one fee shall be charged for each bond, lien or judgment:

- | | |
|--|-----|
| 0229 1. For filing, entering and releasing a bond, mechanic's lien, | |
| 0230 notice of intent to perform, personal property tax judgment or | |
| 0231 any judgment on which execution process cannot be issued | \$5 |
| 0233 2. For filing, entering and releasing a judgment of a court of this | |
| 0234 state on which execution or other process can be issued | 15 |
| 0235 3. For a certificate, or for copying or certifying any paper or writ, | |
| 0236 such fee as shall be prescribed by the district court. | |

0238 (b) The fees for entries, certificates and other papers re-
 0239 quired in naturalization cases shall be those prescribed by the
 0240 federal government and, when collected, shall be disbursed as
 0241 prescribed by the federal government. The clerk of the court
 0242 shall remit to the state treasurer at least monthly all moneys
 0243 received from fees prescribed by subsection (a) or (b) or received
 0244 for any services performed which may be required by law. The
 0245 state treasurer shall deposit the remittance in the state treasury
 0246 and credit the entire amount to the state general fund.

0247 (c) In actions pursuant to the Kansas code for care of children
 0248 (K.S.A. 38-1501 *et seq.* and amendments thereto), the Kansas
 0249 juvenile offenders code (K.S.A. 38-1601 *et seq.* and amendments
 0250 thereto), the act for treatment of alcoholism (K.S.A. 65-4001 *et*
 0251 *seq.* and amendments thereto), the act for treatment of drug
 0252 abuse (K.S.A. 65-5201 *et seq.* and amendments thereto) or the
 0253 treatment act for mentally ill persons (K.S.A. 59-2901 *et seq.* and
 0254 amendments thereto), the clerk shall charge an additional fee of
 0255 ~~\$.50 \$1~~ which shall be deducted from the docket fee and credited
 0256 to the prosecuting attorneys' training fund as provided in K.S.A.
 0257 28-170a and amendments thereto.

0258 Sec. 4. K.S.A. 28-170a is hereby amended to read as follows:
 0259 28-170a. (a) There is hereby established a prosecuting attorneys'
 0260 training fund. The clerk of the district court shall charge a fee of
 0261 ~~\$.50 \$1~~ in each criminal case, to be deducted from the docket fee
 0262 as provided in K.S.A. 28-172a and amendments thereto and shall

(d) In actions pursuant to the Kansas code for care of children (K.S.A. 38-1501 et seq. and amendments thereto), the Kansas juvenile offenders code (K.S.A. 38-1601 et seq. and amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001 et seq. and amendments thereto), the act for treatment of drug abuse (K.S.A. 65-5201 et seq. and amendments thereto) or the treatment act for mentally ill persons (K.S.A. 59-2901 et seq. and amendments thereto), the clerk shall charge an additional fee of \$.50 which shall be deducted from the docket fee and credited to the indigents' defense counsel training fund as provided in section 7.

0263 charge a fee of ~~\$.50~~ \$1 in each case pursuant to the Kansas code
 0264 for care of children or the Kansas juvenile offenders code and
 0265 each mental illness, drug abuse or alcoholism treatment action as
 0266 provided by subsection (c) of K.S.A. 28-170 and amendments
 0267 thereto. The clerk of the district court, at least monthly, shall pay
 0268 all such fees received to the county treasurer who shall credit the
 0269 same to the prosecuting attorneys' training fund.

0270 (b) Expenditures from the prosecuting attorneys' training
 0271 fund shall be paid by the county treasurer upon the order of the
 0272 county or district attorney and shall be used exclusively for the
 0273 training of personnel in such attorney's office and costs related
 0274 thereto. Annually, on or before March 15, each county and
 0275 district attorney shall submit to the attorney general and the
 0276 chairperson of the judiciary committee of each house, an ac-
 0277 counting that shows for the preceding year the amount of fees
 0278 paid into the prosecuting attorneys' training fund, the amounts
 0279 and purpose of each expenditure from such fund and the balance
 0280 in such fund on December 31 of the preceding year. The purpose
 0281 for each expenditure shall specifically identify the person or
 0282 persons for whom the expenditure was made and, where appli-
 0283 cable, the time and place where the training was received. If any
 0284 expenditure was paid to a nonprofit organization organized in
 0285 this state of which the county or district attorney is a member, the
 0286 county or district attorney shall include information on the
 0287 training received for such expenditure which information shall
 0288 show the persons receiving the training and the time and place
 0289 thereof.

0290 Sec. 5. K.S.A. 28-172a is hereby amended to read as follows:
 0291 28-172a. (a) Except as otherwise provided in this section, when-
 0292 ever the prosecuting witness or defendant is adjudged to pay the
 0293 costs in a criminal proceeding in any county, a docket fee shall
 0294 be taxed as follows:

0295 Murder or manslaughter	\$148	\$148.50	\$149
0297 Other felony	118	118.50	119
0299 Misdemeanor	88	88.50	89
0301 Forfeited recognizance	48	48.50	49
0303 Appeals from other courts	48	48.50	49

0305 (b) In actions involving the violation of any of the laws of this
 0306 state regulating traffic on highways (including those listed in

0307 subsection (c) of K.S.A. ~~1985~~ 1986 Supp. 8-2118 and amendments
 0308 thereto), any act declared a crime pursuant to the statutes con-
 0309 tained in chapter 32 of Kansas Statutes Annotated and amend-
 0310 ments thereto or any act declared a crime pursuant to the statutes
 0311 contained in article 8 of chapter 82a of the Kansas Statutes
 0312 Annotated and amendments thereto, whenever the prosecuting
 0313 witness or defendant is adjudged to pay the costs in the action, a
 0314 docket fee of ~~\$28~~ ~~\$28.50~~ shall be charged. When an action is \$29
 0315 disposed of under subsections (a) and (b) of K.S.A. ~~1084~~ 1986
 0316 Supp. 8-2118 and amendments thereto, whether by mail or in
 0317 person, the docket fee to be paid as court costs shall be ~~\$28~~
 0318 ~~\$28.50~~. \$29

0319 (c) If a conviction is on more than one count, the docket fee
 0320 shall be the highest one applicable to any one of the counts. The
 0321 prosecuting witness or defendant, if assessed the costs, shall pay
 0322 only one fee. Multiple defendants shall each pay one fee.
 0323 (d) Statutory charges for law library funds, the law enforce-
 0324 ment training center fund, the crime victims reparations fund
 0325 and the prosecuting attorneys' training fund shall be paid from
 0326 the docket fee. All other fees and expenses to be assessed as
 0327 additional court costs shall be approved by the court, unless
 0328 specifically fixed by statute. Additional fees shall include, but
 0329 are not limited to, fees for service of process outside the state,
 0330 witness fees, fees for transcripts and depositions, costs from
 0331 other courts, doctors' fees and examination and evaluation fees.
 0332 No sheriff in this state shall charge any district court of this state
 0333 a fee or mileage for serving any paper or process.

0334 (e) In each case charging a violation of the laws relating to
 0335 parking of motor vehicles on the statehouse grounds or other
 0336 state-owned or operated property in Shawnee county, Kansas, as
 0337 specified in K.S.A. 75-4510a and amendments thereto or as
 0338 specified in K.S.A. 75-4508 and amendments thereto, the clerk
 0339 shall tax a fee of \$2 which shall constitute the entire costs in the
 0340 case, except that witness fees, mileage and expenses incurred in
 0341 serving a warrant shall be in addition to the fee. Appearance
 0342 bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and
 0343 amendments thereto, shall be \$3, unless a warrant is issued. The

0344 judge may order the bond forfeited upon the defendant's failure
0345 to appear, and \$2 of any bond so forfeited shall be regarded as
0346 court costs.

0347 Sec. 6. K.S.A. 32-155b is hereby amended to read as follows:
0348 32-155b. (a) Whenever any person is issued a citation by an
0349 officer of the Kansas fish and game commission for any of the
0350 violations described in subsection (b), the officer may require
0351 such person to give bond in the amount specified in subsection
0352 (b) for the offense for which the person was charged, which bond
0353 shall be subject to forfeiture if the person does not appear at the
0354 court at the time specified in the written citation. The bond shall
0355 be a cash bond and shall be payable using cash or legal tender
0356 identified as travelers checks, certified checks, cashiers checks
0357 and postal money orders. The cash bond shall be taken in the
0358 following manner: The officer shall furnish the person charged
0359 with a stamped envelope addressed to the judge or clerk of the
0360 court named in the written citation and the person shall place in
0361 such envelope the amount of the bond, and in the presence of the
0362 officer shall deposit the same in the United States mail. After
0363 having complied with these requirements, the person charged
0364 need not sign the citation, but the officer shall note the amount of
0365 the bond mailed on the citation and shall give a copy of such
0366 citation to the person.

0367 (b) The offenses for which a cash bond may be required as
0368 provided in subsection (a) and the amounts thereof shall be as
0369 follows:

0370	Hunting without a license	.....\$80	\$80.50	\$81
0372	Fishing without a license	.....55	55.50	56
0374	Operation of motorboat or sailboat without first obtaining a certifi-			
0375	cate of number	.....30	30.50	31
0377	Failure to properly display the required identification number on			
0378	the bow of a motorboat or sailboat when underway	.....30	30.50	31
0380	Failure to properly display the required lights on vessel during			
0381	hours of darkness	.....30	30.50	31
0383	Failure to have on vessel the correct number and type or types of			
0384	personal flotation devices readily accessible or immediately			
0385	available and in good and serviceable condition	.....30	30.50	31
0387	Operation of a motorboat or vessel in nonboating area	.....55	55.50	56
0389	Operating a vessel towing a person or persons on water skis or other			
0390	device without a proper observer or a rearview mirror on			
0391	vessel	.....30	30.50	31

0393 (c) In the event of forfeiture of any of the bonds set forth in
0394 this section, ~~\$28~~ ~~\$28.50~~ of the forfeited bond shall be regarded as \$29

0395 court costs.

0396 Sec. 7.⁸ K.S.A. 28-170, 28-170a, 28-172a and 32-155b and

0397 K.S.A. 1986 Supp. 8-2107 and 20-362 are hereby repealed.

0398 Sec. 8.⁹ This act shall take effect and be in force from and
0399 after its publication in the statute book.

New Sec. 7. (a) There is hereby established in the state treasury a/indigents' defense counsel training fund.

(b) The clerk of the district court shall charge a fee of \$.50 in each criminal case, to be deducted from the docket fee as provided in K.S.A. 28-172a and amendments thereto and shall charge a fee of \$.50 in each case pursuant to the Kansas code for care of children or the Kansas juvenile offenders code and each mental illness, drug abuse or alcoholism treatment action as provided by subsection (d) of K.S.A. 28-170 and amendments thereto. The clerk of the district court, at least monthly, shall pay all such fees received to the state treasurer who shall deposit the entire amount in the state treasury and credit it to the indigents' defense counsel training fund.

(c) Moneys in the indigent's defense counsel training fund shall be used exclusively for the training of indigent's defense counsel and costs related thereto. Expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the state board of indigents' defense services or a person designated by the chairperson.