

MINUTES OF THE Senate COMMITTEE ON AgricultureThe meeting was called to order by Senator Allen at _____
Chairperson10:13 a.m. ~~XXX~~ on March 6, 1987 in room 423-S of the Capitol.All members were present except: Senator Gannon (excused)
Senator Warren (excused)Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes DepartmentConferees appearing before the committee: Howard Tice, Kansas Association of Wheat Growers

Senator Allen called the Committee to order and called the Committees' attention to SB 123.

Staff gave copies of a balloon draft with amendments for SB 123 (attachment 1). Staff explained the amendments were made with the consultation and approval of Bob Storey, Kansas Termite and Pest Control Association and Ken Wilke, State Board of Agriculture.After the Chairman called for action on SB 123, Senator Montgomery made a motion the Committee accept the amendments for SB 123. Senator Arasmith seconded the motion. Motion carried.Senator Arasmith made a motion the Committee recommend SB 123 favorably for passage as amended. Senator Gordon seconded the motion. Motion carried.

The Chairman turned the Committees' attention to SB 209 and called on Howard Tice for explanation of amendments.

Mr. Tice gave copies of a balloon draft of SB 209 with requested amendments (attachment 2). Mr. Tice explained the intent of the amendments is to enhance the Marketing Division, to show support for the Board of Agriculture, and help provide more funds for the Marketing Division because grain commissions are able to obtain federal matching funds for most of the contract services they support.

It was stressed during Committee discussion that the farmers of Kansas would benefit more by the dollars the amendments proposed for SB 123 would generate than the original SB 123. The Committee agreed to wait till the next Committee meeting to finalize action on SB 123.

The Chairman called attention to SB 278 for action.

Staff presented copies of a balloon draft with amendments (attachment 3) to the Committee and explained the changes proposed.

The Chairman called for action on SB 278.

Senator Montgomery made a motion the Committee adopt the amendments. Senator Doyen seconded the motion. Motion carried.Senator Montgomery made a motion the Committee recommend SB 278 favorably for passage as amended. Senator Thiessen seconded the motion. Motion carried.

The Chairman called attention to SB 304.

Staff gave copies of a balloon draft with amendments for SB 304 (attachment 4) to the Committee and explained the changes.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:13 a.m./~~XXX~~^{XXX} on March 6, 1987

During discussion it was explained that buyers of land would not be required to pay back bills owed to county Noxious Weed Departments that this bill requires the seller to pay any bill before clear title is given.

Senator Arasmith made a motion the Committee recommend SB 304 favorably for passage as amended. Senator Doyen seconded the motion. Motion carried.

Senator Allen called attention to SB 152 for Committee action.

After the explanation that the Senate Ways and Means Committee has said they will fund the legal services that would be provided with lines 62 and 63 in the Omnibus Bill, Senator Norvell made a motion that lines 62 and 63 be reinstated in SB 152. Senator Karr seconded the motion.

Senator Montgomery made a substitute motion that lines 62 and 63 be reinstated but that the word 'shall' in line 62 be changed to 'may'. Senator Arasmith seconded the motion.

It was discussed that the word 'may' did not mandate legal services and that the word 'may' allowed for a plan with 'co-pay' for those who could help pay for their legal services. The Chairman was requested to postpone further Committee action until the next Committee meeting when the full Committee membership would be present.

The Chairman announced that the March 9 Committee meeting schedule would be revised to be only discussion and action on bills previously heard; he then adjourned the Committee at 11:05 a.m.

SENATE BILL No. 123

By Committee on Agriculture

2-2

0017 AN ACT concerning agriculture; pest control technician license;
0018 requirements, fees and registration renewal; amending K.S.A.
0019 2-2446 and 2-2467a and K.S.A. 1986 Supp. 2-2438a and re-
0020 pealing the existing sections.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 1986 Supp. 2-2438a is hereby amended to
0023 read as follows: 2-2438a. As used in this act, unless the context
0024 otherwise requires, the following words and phrases shall have
0025 the meanings ascribed to them in this section:

0026 (a) "Animal" means all vertebrate and invertebrate species,
0027 including but not limited to man and other mammals, birds, fish
0028 and shellfish.

0029 (b) "Board" means the board of agriculture of the state of
0030 Kansas.

0031 (c) "Certified applicator" means any individual who is cer-
0032 tified under this act to use or supervise the use of any restricted
0033 use pesticide which is classified for restricted use by a certified
0034 applicator.

0035 (1) "Certified commercial applicator" means a certified ap-
0036 plicator, whether or not a private applicator with respect to some
0037 uses, who uses or supervises the use of any pesticide which is
0038 classified for restricted use for any purpose or on any property
0039 other than as provided in paragraph (2) of this subsection (c).

0040 (2) "Certified private applicator" means a certified applicator
0041 who uses or supervises the use of any pesticide which is clas-
0042 sified for restricted use for purposes of: (A) producing any agri-
0043 cultural commodity, (i) on property owned or rented by such
0044 person or such person's employer or, (ii) if applied without
0045 compensation other than trading of personal services between

registration

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0046 producers of agricultural commodities, on the property of an-
0047 other person; or (B) controlling ornamental shrubbery or turf
0048 pests on property owned or rented by such person and such
0049 property is used as such person's residence.

0050 (d) "Defoliant" means any substance or mixture of sub-
0051 stances intended to cause the leaves or foliage to drop from a
0052 plant, with or without causing abscission.

0053 (e) "Desiccant" means any substance or mixture of sub-
0054 stances intended for artificially accelerating the drying of plant
0055 tissue.

0056 (f) "Equipment" means any ground, water or aerial appa-
0057 ratus, used to apply any pesticide but shall not include any
0058 pressurized hand size household apparatus used to apply any
0059 pesticide or any equipment, apparatus or contrivance of which
0060 the person who is applying the pesticide is the source of power
0061 or energy in making such pesticide application.

0062 (g) "Fungus" means any nonchlorophyll-bearing thal-
0063 lophyte, including, but not limited to, rust, smut, mildew, mold,
0064 yeast and bacteria, except those on or in man or other animals
0065 and those on or in processed food, beverages or pharmaceuticals.

0066 (h) "General use pesticide" shall mean and include all pes-
0067 ticides which have not been designated, by rule or regulation of
0068 the secretary or the board, as being restricted use pesticides.

0069 (i) "Insect" means any small invertebrate animal having the
0070 body segmented, belonging to the class insecta and other classes
0071 of arthropods, including, but not limited to, beetles, bugs, bees,
0072 flies, spiders, mites, ticks and centipedes.

0073 (j) "~~Licensed~~ pest control technician" means an uncertified
0074 commercial applicator who applies pesticides for wood de-
0075 stroying pest control or for structural pest control, or both, and
0076 who has received verifiable training ~~as prescribed by the secre-~~
0077 ~~tary.~~

0078 (k) "Nematode" means any unsegmented roundworms of
0079 the class nematoda, with elongated, fusiform, or saclike bodies
0080 covered with cuticle, inhabiting soil, water, plants or plant parts.
0081 Such roundworms may also be referred to as nemas or eelworms.

0082 (l) "Person" means any individual, partnership, associa-

Registered

0083 tion of persons, corporation or governmental agency.

0084 (l)(m) "Pest" means, but is not limited to, any insect, rodent,
0085 nematode, fungus, weed or any other form of terrestrial or
0086 aquatic plant or animal life or virus, bacteria or other microorga-
0087 nism, except viruses, bacteria or other microorganisms on or in
0088 man or other animals, or which the secretary may declare to be a
0089 pest.

0090 (m)(n) "Pesticide" means, but is not limited to, (1) any
0091 substance or mixture of substances used to prevent, destroy,
0092 control, repel, attract or mitigate any pest and (2) any substance
0093 or mixture of substances intended to be used as a plant regulator,
0094 defoliant or desiccant.

0095 (n)(o) "Pesticide business" means any individual, partner-
0096 ship, association of persons or corporation which applies pesti-
0097 cides to the property of another for compensation.

0098 (o)(p) "Pesticide dealer" means any person who sells a
0099 pesticide to another person for application.

0100 (p)(q) "Plant regulator" means any substance or mixture of
0101 substances intended through physiological action, to accelerate
0102 or retard the rate of growth or maturation, or to otherwise alter
0103 the behavior of plants but shall not include substances insofar as
0104 they are used as plant nutrients, trace elements, nutritional
0105 chemicals, plant inoculants or soil amendments. The term "plant
0106 regulator" shall not include any such nutrient mixtures or soil
0107 amendments as are commonly known as vitamin-hormone horti-
0108 cultural products, intended for improvement, maintenance, sur-
0109 vival, health and propagation of plants, and not for pest destruc-
0110 tion if such mixtures or soil amendments, in the undiluted
0111 packaged concentration are nontoxic and nonpoisonous.

0112 (q)(r) "Restricted use pesticide" shall mean and include all
0113 pesticide uses designated as such by rules and regulations of the
0114 secretary or the board.

0115 (r)(s) "Secretary" means the secretary of the state board of
0116 agriculture.

0117 (s)(t) "Under the supervision of" means, unless otherwise
0118 provided by the labeling of the pesticide product, acting under
0119 the instructions and control of another person who is available if

0120 and when needed, even though such other person is not physi-
0121 cally present at the time and place the act is done.

0122 (t) (u) "Weed" means any plant or part thereof which grows
0123 where not wanted.

0124 New Sec. 2. It shall be unlawful for any pesticide business

0125 ~~employee~~ to apply pesticides for the control of wood destroying

0126 pests or structural pests unless ~~that employee~~ is a certified

0127 commercial applicator or is a ~~licensed pest control technician.~~

0128 Any such employee applying for a pest control technician ~~license~~

0129 shall file an application on a form prescribed by the secretary.

0130 Application for such ~~license~~ shall be accompanied by an appli-

0131 cation fee which is determined by rules and regulations adopted

0132 by the ~~board~~, except that such fee shall not exceed \$25. If the

0133 secretary finds the applicant qualified to be a ~~licensed pest~~

0134 control technician after meeting the training requirements de-

0135 termined by the secretary in rules and regulations, the secretary

0136 shall issue a pest control technician ~~license~~ which will expire in

0137 ~~three years. If a license is not issued as applied for, the secretary~~

0138 ~~shall inform the applicant in writing of the reasons for denial.~~

0139 This section shall be part of and supplemental to the Kansas

0140 pesticide law.

0141 New Sec. 3. A pesticide business licensee applying pesti-

0142 cides for the ~~public for compensation shall ensure that licensed~~

0143 pest control technicians who handle, mix or apply pesticides ~~or~~

0144 ~~pesticide contaminated materials~~ have been trained as provided

0145 in this act. The pesticide business licensee shall notify the

0146 secretary ~~within 15 working days of the employment of a li-~~

0147 ~~icensed pest control technician or a person to be trained as a~~

0148 ~~licensed pest control technician. The pesticide business licensee~~

0149 shall ensure that all persons ~~who are not registered~~ technicians

0150 meet the requirements of this act within ~~90 days. Any transpor-~~

0151 ~~tation, handling or application of pesticides, pesticide-contami-~~

0152 ~~nated equipment or pesticide-contaminated containers by a~~

0153 ~~trainee shall be done when either a certified applicator or li-~~
0154 ~~icensed pest control technician is physically present. This section~~
0155 shall be part of and supplemental to the Kansas pesticide law.
0156 Sec. 4. K.S.A. 2-2446 is hereby amended to read as follows:

licensee

the applicator of the pesticide

registered pest control technician, except that an uncertified commercial applicator may apply pesticides when either a certified applicator or registered pest control technician is physically present

registration

secretary

registered

registration

at the end of the calendar year

control of wood destroying pests or structural pests shall ensure that registered

by the 10th of the month following the date of employment of the employment of a registered

registered

employed by the pesticide business who apply pesticides and who are not registered pest control

90 days after they are employed, This requirement shall not apply to certified commercial applicators employed by the pesticide business licensee

0157 2-2446. (a) A commercial applicator's certification may be re-
 0158 newed for a succeeding three-year period by paying the fees
 0159 prescribed in K.S.A. 2-2441a, *and amendments thereto*, passing
 0160 the examination provided for in K.S.A. 2-2443a, *and amendments*
 0161 *thereto*, and completing the renewal application form prescribed
 0162 by the secretary. In lieu of such examination, the secretary may
 0163 accept attendance and satisfactory completion of a training
 0164 course approved by the secretary.

0165 (b) A private applicator's certification may be renewed for a
 0166 succeeding five-year period by paying the fee prescribed in
 0167 K.S.A. 2-2445a, and amendments thereto, passing the examina-
 0168 tion provided for in K.S.A. 2-2445a, and amendments thereto,
 0169 and completing the renewal application form prescribed by the
 0170 secretary. Such examination shall be offered by the board by
 0171 mail. County extension agricultural meetings shall include per-
 0172 tinent pesticide information for private applicators.

0173 (c) ~~A pest control technician's license may be renewed for a~~
 0174 ~~succeeding three-year period by paying the fees prescribed in~~
 0175 ~~section 2, meeting any requirements determined by the secre-~~
 0176 ~~tary through rules and regulations, and completing the renewal~~
 0177 ~~form prescribed by the secretary~~

0178 Sec. 5. K.S.A. 2-2467a is hereby amended to read as follows:
 0179 2-2467a. The secretary is hereby authorized to promulgate and
 0180 adopt rules and regulations for the administration of this act and
 0181 concerning the following matters which include but are not
 0182 limited to:

0183 (a) The designation of certain pesticides as restricted use
 0184 pesticides as provided in K.S.A. 2-2439, *and amendments*
 0185 *thereto*;

0186 (b) the designation of categories for the issuance of pesticide
 0187 business licenses as provided in K.S.A. 1976 Supp. ~~2-2444~~, *and*
 0188 *amendments thereto*;

0189 (c) the designation of categories for the certification of appli-
 0190 cators as provided in K.S.A. 1976 Supp. ~~2-2444~~, *and amendments*
 0191 *thereto*;

0192 (d) ~~the designation of training requirements for those per-~~
 0193 ~~sons applying for a pest control technician's license as provided~~

registration

one

, and completing any requirements concerning retraining prescribed by rules and regulations

2-2444a

registration

0194 in section 2;

0195 (d) (e) the registration and identification of equipment used
0196 in the commercial application of pesticides as provided in K.S.A.
0197 2-2456, and amendments thereto;

0198 (e) (f) the storing and discarding of pesticides and pesticide
0199 containers;

0200 (f) (g) proper health and safety precautions;

0201 (g) (h) proof of financial responsibility including acceptable
0202 surety bond or liability insurance coverage; and

0203 (h) (i) furnishing of reports and information necessary for the
0204 secretary to carry out the provisions of this act.

0205 Sec. 6. K.S.A. 2-2446 and 2-2467a and K.S.A. 1986 Supp.
0206 2-2438a are hereby repealed.

0207 Sec. 7. This act shall take effect and be in force from and
0208 after its publication in the statute book.

insert §§ 6 and 7 (attached)

renumber remaining sections

January 1, 1988, and

New Sec. 6. (a) Each registered pest control technician shall have received training, to the extent prescribed by the secretary by rules and regulations in each of the subjects enumerated in K.S.A. 2-2443a, and amendments thereto.

(b) Within 90 days after the effective date of this act, each pesticide business licensee who applies pesticides or causes pesticides to be applied for the control of wood destroying pests or structural pests shall submit its training materials to the secretary for approval. After initial approval, each such pesticide business licensee shall resubmit its training materials for approval every five years.

(c) Each pesticide business licensee who applies pesticides or causes pesticides to be applied for the control of wood destroying pests or structural pests shall maintain records to verify that each registered pest control technician employed by it has been properly trained. These records shall contain the name of each person who takes the training to become a registered pest control technician, the date or dates of such training, the date the training was completed, and any other information required by the secretary. These records shall be maintained for a period of five years after the training has been given. These records shall be made available to the secretary or the secretary's authorized designee upon request.

New Sec. 7. The fee for registration of each registered pest control technician shall be paid by the pesticide business licensee employing the registered pest control technician. The registration shall inure to the benefit of the pesticide business licensee and shall not be transferable.

SENATE BILL No. 209

By Senators Gannon, Doyen, Allen, Anderson, Arasmith, Daniels, Ehrlich, Francisco, Gordon, Harder, Hayden, Hoferer, Johnston, Karr, F. Kerr, Martin, Montgomery, Morris, Norvell, Parrish, Reilly, Strick, Thiessen, Vidricksen and Warren

2-11

0020 AN ACT concerning agriculture; relating to the grain commis-
0021 sions and the soybean commission; providing for certain
0022 transfers; amending K.S.A. 1986 Supp. 75-3170a and repealing
0023 the existing section.

0024 *Be it enacted by the Legislature of the State of Kansas:*

0025 Section 1. K.S.A. 1986 Supp. 75-3170a is hereby amended to
0026 read as follows: 75-3170a. (a) The 20% credit to the state general
0027 fund required by K.S.A. 1-204, 2-2609, 2-3008, 9-1703, 16-609,
0028 16a-2-302, 17-1271, 17-2236, 17-5609, 17-5610, 17-5612, 17-5701,
0029 20-1a02, 20-1a03, 34-102b, 44-324, 44-926, 47-820, 49-420, 55-
0030 131, 55-155, 55-609, 55-711, 55-901, 58-3074, 65-6b10, 65-1718,
0031 65-1817a, 65-2011, 65-2418, 65-2855, 65-2911, 65-4610, 66-1,155,
0032 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704,
0033 74-2902a, 74-3903, 74-5805, 74-7009, 74-7506, 75-1119b, 75-1308
0034 and 75-1509 and K.S.A. 1986 Supp. 65-5413 and 65-5513 and acts
0035 amendatory of any of the foregoing including amendments by
0036 other sections of this act is to reimburse the state general fund for
0037 accounting, auditing, budgeting, legal, payroll, personnel and
0038 purchasing services, and any and all other state governmental
0039 services, which are performed on behalf of the state agency
0040 involved by other state agencies which receive appropriations
0041 from the state general fund to provide such services.

0042 (b) Nothing in this act or in the sections amended by this act
0043 or referred to in subsection (a) of this section, shall be deemed to
0044 authorize remittances to be made less frequently than is autho-
0045 rized under K.S.A. 75-4215 and amendments thereto.

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0046 (c) Notwithstanding any provision of any section referred to
 0047 in or amended by this act or referred to in subsection (a) of this
 0048 section, whenever in any fiscal year such 20% credit to the state
 0049 general fund in relation to any particular fee fund is ~~\$200,000~~, in
 0050 that fiscal year the 20% credit no longer shall apply to moneys
 0051 received from sources applicable to such fee fund and for the
 0052 remainder of such year the full 100% so received shall be
 0053 credited to such fee fund, except as otherwise provided in
 0054 subsection (d) of this section.

\$50,000

0055 (d) Notwithstanding any provision of K.S.A. 2-2609 and 2-
 0056 3008 and amendments thereto or any provision of any section
 0057 referred to in subsection (a) of this section, the 20% credit to the
 0058 state general fund no longer shall apply to moneys received from
 0059 sources applicable to the Kansas wheat commission fund, the
 0060 Kansas corn commission fund, the Kansas grain sorghum com-
 0061 mission fund and the Kansas soybean commission fund, as spec-
 0062 ified for each such fund by this subsection, and for the remainder
 0063 of a fiscal year the full 100% of the moneys so received shall be
 0064 credited to the appropriate fund of such funds, whenever in any
 0065 fiscal year:

0066 (1) With respect to the Kansas wheat commission fund, such
 0067 20% credit to the state general fund in relation to such fund in
 0068 that fiscal year is equal to that portion of ~~\$200,000~~ that bears the
 0069 same proportion to ~~\$200,000~~ as the amount credited to the
 0070 Kansas wheat commission fund during the preceding fiscal year
 0071 bears to the total of the amounts credited to the Kansas wheat
 0072 commission fund, the Kansas corn commission fund, the Kansas
 0073 grain sorghum commission fund and the Kansas soybean com-
 0074 mission fund during the preceding fiscal year;

\$50,000
\$50,000

0075 (2) with respect to the Kansas corn commission fund, such
 0076 20% credit to the state general fund in relation to such fund in
 0077 that fiscal year is equal to that portion of ~~\$200,000~~ that bears the
 0078 same proportion to ~~\$200,000~~ as the amount credited to the
 0079 Kansas corn commission fund during the preceding fiscal year
 0080 bears to the total of the amounts credited to the Kansas wheat
 0081 commission fund, the Kansas corn commission fund, the Kansas
 0082 grain sorghum commission fund and the Kansas soybean com-

\$50,000
\$50,000

*The reason this amendment is being proposed is that the grain comm-
 issions are able to obtain federal
 matching funds for many, if not
 most of the contract services they
 support. This usually amounts to
 an average of \$1.33 for every \$1.00
 invested. Often, this can be as
 high as \$1.95. Hence, each dollar
 can return from \$2.00 to \$3.00 in
 benefits to Kansas.*

*If the money is used through a pro-
 gram such as U.S. Wheat Associates,
 the return is 7-1 in terms of new
 sales. This means that each dollar
 invested has the potential of bring-
 ing from \$14 to \$21 in benefits to
 our state, and to other states as well*

*Lowering the \$200,000 cap on funds
 appropriated to reimburse the state
 for administrative costs for the
 commissions, to \$50,000 would leave
 twice the actual cost in the general
 fund.*

*Since this bill would not actually
 increase the amount Ways and Means
 will allot to the Marketing Division,
 it would have no real effect on the
 intent of the bill.*

*Even though the general fund would be
 reduced by \$150,000, the potential is
 there for far greater returns to the
 state through matching funds, and
 economic benefits from increased sales
 of grain, and improvements in Kansas
 grain from funded research projects.*

0083 mission fund during the preceding year;

0084 (3) with respect to the Kansas grain sorghum commission
0085 fund, such 20% credit to the state general fund in relation to such

0086 fund in that fiscal year is equal to that portion of \$200,000 that	\$50,000
0087 bears the same proportion to \$200,000 as the amount credited to	\$50,000

0088 the Kansas grain sorghum commission fund during the preceding
0089 fiscal year bears to the total of the amounts credited to the Kansas
0090 wheat commission fund, the Kansas corn commission fund, the
0091 Kansas grain sorghum commission fund and the Kansas soybean
0092 commission fund during the preceding fiscal year; and

0093 (4) with respect to the Kansas soybean commission fund,
0094 such 20% credit to the state general fund in relation to such fund
0095 in that fiscal year is equal to that portion of ~~\$200,000~~ that bears

0096 the same proportion to \$200,000 as the amount credited to the	\$50,000
0097 Kansas soybean commission fund during the preceding fiscal	\$50,000

0098 year bears to the total of the amounts credited to the Kansas
0099 wheat commission fund, the Kansas corn commission fund, the
0100 Kansas grain sorghum commission fund and the Kansas soybean
0101 commission fund during the preceding fiscal year.

0102 (e) *On July 1, 1987, and each July 1 thereafter, the director of*
0103 *accounts and reports shall transfer the amount equal to 50% of*
0104 *the moneys credited to the state general fund under the provi-*
0105 *sions of K.S.A. 2-2609 and 2-3008, and amendments thereto,*
0106 *from the state general fund to the market division fee fund of*
0107 *the state board of agriculture. The moneys credited to the*
0108 *market division fee fund under this subsection shall be used to*
0109 *enhance and expand the international marketing division of the*
0110 *state board of agriculture.*

0111 Sec. 2. K.S.A. 1986 Supp. 75-3170a is hereby repealed.

0112 Sec. 3. This act shall take effect and be in force from and
0113 after its publication in the statute book.

SENATE BILL No. 278

By Committee on Agriculture

2-18

_____ and civil suits

0017 AN ACT relating to agriculture; concerning injunctions/against
 0018 misuse of ~~registered~~ agricultural chemicals; providing for the
 0019 payment of costs and expenses; amending K.S.A. 2-3203 and
 0020 repealing the existing section.

0021 *Be it enacted by the Legislature of the State of Kansas:* _____ or civil suit

0022 New Section 1. Any person who files an injunction ^{against a}
 0023 party for the misuse of ~~registered~~ agricultural chemicals, and the _____ or defendant

0024 court finds that the enjoined party ^{properly used the} ~~registered~~
 0025 agricultural chemicals according to the label instructions, the
 0026 court shall assess against such person reasonable attorney fees _____ or defendant

0027 and expenses incurred by the party enjoined ^{as a result of such}
 0028 injunction. Additional losses and costs may be assessed against _____ or civil suit

0029 such person upon proof by the party enjoined. This section shall _____ or defendant

0030 be part of and supplemental to the provisions of K.S.A. 2-3201 *et*
 0031 *seq.*, and amendments thereto.

0032 Sec. 2. K.S.A. 2-3203 is hereby amended to read as follows:
 0033 2-3203. As used in this act:

0034 (a) "Agricultural activity" means the growing or raising of
 0035 horticultural and agricultural crops, hay, poultry and livestock,
 0036 and livestock, poultry and dairy products for commercial pur-
 0037 poses.

0038 (b) "Farmland" means land devoted primarily to an agricul-
 0039 tural activity.

0040 (c) "Person" means any individual, partnership, ~~corpora-~~
 0041 ~~tion, trust or any other business entity.~~

0042 (d) "~~Registered~~ agricultural chemical" means those agricul-
 0043 tural chemicals ~~registered under~~ the agricultural chemical act
 0044 set forth in K.S.A. 2-2201 *et seq.*, and amendments thereto.

0045 Sec. 3. K.S.A. 2-3203 is hereby repealed.

profit or nonprofit corporation, trust, organization
 or any other business entity, but does not include
 any governmental entity

as defined in

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0046 Sec. 4. This act shall take effect and be in force from and
0047 after its publication in the statute book.

SENATE BILL No. 304

By Committee on Agriculture

2-23

0017 AN ACT concerning agriculture; relating to weeds; providing for
0018 the payment of unpaid accounts; amending K.S.A. 2-1320 and
0019 repealing the existing section.

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

0021 Section 1. K.S.A. 2-1320 is hereby amended to read as fol-
0022 lows: 2-1320. In case the county weed supervisor or city weed
0023 supervisor enters upon land or furnishes weed control materials
0024 pursuant to a contract or an agreement with an owner, operator or
0025 supervising agent of noxious weed infested land for the control
0026 of such noxious weeds and, as a result of such weed control
0027 methods, there are any unpaid accounts outstanding by De-
0028 cember 31 of each year, the county commissioners or governing
0029 body of the city shall immediately notify or cause to be notified,
0030 such owner with an itemized statement as to the cost of material,
0031 labor and use of equipment and further stating that if the amount
0032 of such statement is not paid to the county or city treasurer
0033 wherein such real estate is located within 30 days from the date
0034 of such notice, a penalty charge of 10% of the amount remaining
0035 unpaid shall be added to the account and the total amount
0036 thereof shall become a lien upon such real estate. The unpaid
0037 balance of such account and such penalty charge shall draw
0038 interest from the date of entering into such contract at the rate
0039 prescribed for delinquent taxes pursuant to K.S.A. ~~4082~~ ¹⁹⁸² Supp.
0040 79-2968, *and amendments thereto*. A copy of the statement,
0041 together with proof of notification, shall at the same time be filed
0042 with the county or city clerk, as the case may be, and if such
0043 amount is not paid within the next 30 days the county or city
0044 clerk, as the case may be, shall spread the amount of such
0045 statement upon the tax roll prepared by the clerk and such

register of deeds in such county and the

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0046 amount shall become a lien against the entire contiguous tract of
0047 land owned by such person or persons of which the portion so
0048 treated is all or a part, and shall be collected as other taxes are
0049 collected, and all moneys so collected shall be paid into the
0050 noxious weed eradication fund, except that not more than 5% of
0051 the assessed valuation of the entire contiguous tract of land of
0052 which the portion so treated is all or a part shall be spread on the
0053 tax rolls against such land in any one year. *If any land subject to*
0054 *a lien imposed under this section is sold or transferred, ~~an~~*

0055 ~~amount equal to the~~ *unpaid balance of such account plus any*
0056 *accrued interest and penalties shall become a tax lien and upon*
0057 *collection shall be paid to the noxious weed eradication fund.*

0058 Sec. 2. K.S.A. 2-1320 is hereby repealed.

0059 Sec. 3. This act shall take effect and be in force from and
0060 after its publication in the statute book.

the entire remaining

due and payable prior to the sale or transfer of
ownership of the property,