

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at
Chairperson

10:09 a.m./~~p.m.~~ on March 23, 1987 in room 423-S of the Capitol.

All members were present except: Senator Doyen (excused)
Senator Kerr (excused)

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes Department

Conferees appearing before the committee: Representative William Bryant
Robert Domer, President-elect, Kansas Veterinary
Medical Association
Representative Max Moomaw
Mike Beam, Kansas Livestock Association
Chip Wheelen, Kansas Legislative Policy Group
Rod Bentley, Kansas Association of Wheat Growers

The Chairman called the Committee to order and called attention to HB 2466; he then called on Representative Bryant to testify.

Representative Bryant explained HB 2466 was requested by the State Board of Veterinary Examiners. Provisions of the bill would allow for a change in the application fee for taking the veterinary examination to be not less than \$100 nor more than \$250; and would allow the annual renewal fee to be not less than \$20 nor more than \$75. Institutional licenses for instructors at state schools would be changed to be not less than \$50 nor more than \$100. If passed, this bill would also allow for the employment of an Executive Director; so that hopefully, the organization may be run in a better business manner. The salary and expenses of the Executive Director would be paid from fees; there would be no state monies involved.

Representative Bryant introduced Bob Domer, President-elect to comment.

Mr. Domer stated the Veterinaries organization, KVMA, supports the requests made in HB 2466.

During discussion it was stated that if HB 2466 passes the organization would have an office for the Executive Director. It was stated the examinations were given at Kansas State. It was stated the veterinary examination costs about \$170 and that at present only \$150 is being charged.

The Chairman declared the hearing closed for HB 2466 and called attention to HB 2235 and since Representative Moomaw could not be present to present his testimony, the Chairman requested that staff read the testimony to the Committee (attachment 1).

The Chairman called on Mike Beam to testify.

Mr. Beam gave copies of his testimony to the Committee (attachment 2) and expressed support for HB 2235.

During discussion Mr. Beam stated there are two problems caused by wind blown soil; they are soil loss and traffic safety. He also answered that the County Commissioners have authority to determine that soil erosion prevention work must be done on any particular piece of land. He said he knew of no cases in which County Commissioners had used this authority. It was suggested that maybe there should be a provision that would allow County Commissioners be charged with litigation if they did not require erosion work done where there is a problem area.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:09 a.m. ~~XXX~~ on March 23, 1987.

The Chairman thanked Mr. Beam and called on Chip Wheelen to testify.

Mr. Wheelen gave copies of his testimony to the Committee (attachment 3) and expressed support for HB 2235 as amended by the House.

During discussion Mr. Wheelen stated HB 2235 brings a 1937 law up-to-date. He stated he was not sure how acres were measured when figuring a charge to be leveled against a farm where the county did erosion prevention work. Mr. Wheelen stated he did not know if a charge would be for just the parts worked to prevent erosion of if the total field acres are the basis for the charges.

The Chairman thanked Mr. Wheelen and called on Rod Bentley.

Mr. Bentley expressed support for HB 2235; stated this bill would give County Commissioners a better tool to work with in dealing with problems of blowing dust. He stated this legislation was first approved in 1937 at which time Gove County enforced soil erosion a lot of times with the provisions of the law. He stated that in working for soil erosion prevention as little of a field as possible is worked and then the job would be called a $\frac{1}{4}$ job or $\frac{1}{2}$ job and for the bill the farmer would be charged for that fraction of the field worked not by the total acres of the field. He stressed the Kansas Association of Wheat Growers approve of HB 2235.

The Chairman thanked Mr. Bentley and called for Committee action on HB 2235.

Senator Montgomery made a motion the Committee recommend HB 2235 favorably for passage. Senator Arasmith seconded the motion. Motion carried.

It was then suggested that there was a need to consider how a person who is damaged by blown dirt can be compensated for the damage and how such a measure could be enforced.

The Chairman called for Committee action on HB 2466.

Senator Gordon made a motion the Committee recommend HB 2466 favorably for passage. Senator Norvell seconded the motion. Motion carried.

The Chairman called for continued Committee action on HB 2173.

During discussion it was stated that the word 'is' should be deleted from line 39 of the bill. It was still questioned if the word knowingly should remain in line 39. Senator Gannon made a conceptional motion that federal rules and regulations, by reference, be included in HB 2173 along with striking appropriate language. He stated he felt this would allow our Attorney General to be able to enforce the federal rules and regulations.

The Chairman announced that, due to time, discussion of HB 2173 would continue at some time during the next couple of Committee meetings; also that Committee action on HB 2076 would be taken at the next Committee meeting. He then called for action on Committee minutes.

It was requested that the spelling of March be changed in the second paragraph of the March 19 minutes. Senator Arasmith made a motion the minutes be approved as corrected. Senator Thiessen seconded the motion. Motion carried.

The Chairman adjourned the Committee at 11:03 a.m.

STATE OF KANSAS



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER ECONOMIC DEVELOPMENT
TRANSPORTATION

MAX MOOMAW
ASSISTANT MAJORITY LEADER
REPRESENTATIVE, 117TH DISTRICT
HODGEMAN, LANE AND
PARTS OF FINNEY AND
NESS COUNTIES
R.R. 2, BOX 45
DIGHTON, KANSAS 67839-9801

TO: Senate Agriculture Committee
Senator Jim Allen, Chairman

FROM: Representative Max Moomaw

RE: House Bill 2235

DATE: March 23, 1987

Mr. Chairman and Members of the Committee:

House Bill 2235 allows County Commissioners to set an adequate rate of compensation for farm work that is done by the county or someone employed by the county. In my home county (Lane County) the current rate for custom farming is approximately \$4.50 per acre.

When a piece of ground starts blowing, the abrasive action that takes place can start additional land blowing and destroy crops. Most farmers take care to prevent their land from blowing.

In some cases where someone lives out of town or refuses to take action, the county has to step in and do the work. This bill will allow the commissioners to pay for the work at local custom farming rates. The second part of the bill increases the rate at which the commissioners can recover the cost of the work.

*attachment 1
Senate agriculture
3-23-87*



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Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

STATEMENT BY THE
KANSAS LIVESTOCK ASSOCIATION
IN SUPPORT OF
HOUSE BILL 2235
BEFORE THE
SENATE AGRICULTURE COMMITTEE
SENATOR JIM ALLEN, CHAIRMAN
PRESENTED BY
MIKE BEAM
EXECUTIVE SECRETARY
COW-CALF/STOCKER DIVISION
MARCH 23, 1987

The Kansas Livestock Association (KLA) is a trade organization made up of approximately 9,000 members located in all of the 105 counties. KLA, founded in 1894, has members who are actively involved in numerous aspects of livestock production which include cow-calf and stocker producers, feeders, sheep producers, swine operators and general farming and ranching enterprises. On February 24, 1987, KLA's Board of Directors voted to support HB 2235 which amends K.S.A. 2-2008 and allows counties to charge more for costs incurred in controlling wind erosion.

Mr. Chairman and committee members, the Kansas Livestock Association supports HB 2235 which will allow county commissioners to collect the full costs of wind erosion maintenance that may be performed in accordance with K.S.A. 2-2004 or 2-2006.

Wind erosion causes two basic problems. First, this erosion can cause serious degradation of soil which is our basic agriculture resource. It's been estimated that on 141 million acres of U.S. cropland, about 34% of the total, the annual erosion averages more than five tons an acre. In 1983,

Senate agriculture 3-23-87 attachment 2

Senator Armstrong from Colorado stated on the Senate floor that "it takes nature more than 100 years to produce a single inch of topsoil, but that inch of soil can blow away in less than an hour if not protected against erosion." If county commissioners wish to exercise their power in reducing wind erosion, we should have statutes that afford them this opportunity. This proposal, HB 2235, gives them more latitude to recapture the county's expenses if it is necessary for government action.

A second problem of wind erosion is traffic safety. Those of you who have driven near a wind blowing field know how dangerous this situation can be. In February a major highway in north central Kansas was closed because of poor visibility caused by wind erosion. I suppose a county could conceivably be held liable in a traffic accident if they were negligent in their responsibilities to control wind erosion. Again, HB 2235 would be helpful to encourage county commissioners to exercise their erosion control powers as stated in K.S.A. 2-2004 to 2-2008.

Current law limits the amount counties may recover from wind erosion prevention to \$3 per acre and no more than \$1 per acre per year. This provision, as established in K.S.A. 2-2008, was last amended in 1955. We all know that cultivation costs have increased dramatically during the last 30 years. Attached is a page from the 1985 Kansas Custom Rates survey which gives an illustration of today's charges for field work that a county may contract to combat wind erosion. Please note that chiseling 4"-12" cost an average of \$5.86/acre in 1985. County commissioners should have the flexibility to charge more than \$3 if it is needed.

Thanks for the opportunity to express our support of HB 2235 and we urge the committee to vote favorably for its passage. I would be happy to respond to any questions or comments.

attachment 2
3-23-87

LAND TILLAGE

Custom operators charged an average of \$4.42 per acre for field cultivation. Stiff shank cultivation averaged \$4.67 per acre compared to \$4.66 in 1984. Wheel springtooth cultivation averaged \$4.24 per acre, up 21 cents from 1984.

CUSTOM RATES FOR FIELD CULTIVATION, 1985

District	Shank Cultivator			Wheel Springtooth		
	No. of Rpts.	Dollars Per Acre		No. of Rpts.	Dollars Per Acre	
		Range	Avg.		Range	Avg.
Northwest	4	3.00-6.00	3.94	7	3.00-5.50	3.96
West Central	1/	1/	1/	1/	1/	1/
Southwest	7	2.75-5.50	4.25	5	3.00-5.00	3.90
North Central	3	3.75-5.00	4.42	1/	1/	1/
Central	6	3.00-8.00	4.83	9	3.00-6.50	4.50
South Central	10	3.00-4.50	3.93	12	2.50-6.00	4.20
Northeast	10	4.50-7.00	5.37	} 8	3.00-7.00	4.46
East Central	8	4.00-8.00	5.88			
Southeast	6	4.00-6.00	4.63			
State	56	2.50-8.00	4.67	42	2.50-7.00	4.24

1/ Insufficient reports, included in State totals.

CUSTOM RATES FOR LAND TILLAGE, KANSAS HISTORICAL AVERAGES

Type of Operation	1970	1975	1980	1981	1982	1983	1984	1985
Dollars Per Acre								
Discing	1.72	2.92	4.37	4.69	4.72	4.95	4.94	4.82
One-Way Disc	2.13	3.44	4.60	4.66	4.82	5.21	5.27	4.82
Offset Disc	NA	3.64	5.01	5.42	5.39	5.58	5.50	5.36
Spiketooth Harrow	1.11	1.77	2.98	3.28	3.56	3.32	3.49	3.54
Springtooth Harrow	1.32	2.18	3.23	3.55	3.69	3.63	3.74	3.63
Chisel 4-12"	NA	4.26	1/ 5.76	5.90	5.99	6.05	6.46	5.86
Chisel over 12"	NA	1/	7.05	7.62	7.50	8.00	8.03	7.45
Undercutter	1.88	3.47	4.13	4.37	4.47	4.45	4.64	4.34
Moldboard Plow	4.10	5.77	7.87	7.97	7.93	8.49	8.63	8.24
Shank Cultivator	NA	NA	4.28	4.55	4.58	4.72	4.66	4.67
Wheel Springtooth Cultivator	NA	NA	4.17	4.11	4.06	4.23	4.03	4.24

No differentiation was made concerning depth.

attachment 2

3-23-87



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copy
3-23

Kansas Legislative Policy Group

301 Capitol Tower, 400 West Eighth, Topeka, Kansas 66603, 913-233-2227

TIMOTHY N. HAGEMANN, Executive Director

March 23, 1987

TESTIMONY
to
SENATE AGRICULTURE COMMITTEE
House Bill 2235

Mr. Chairman and members of the Committee, I am Chip Wheelen of Pete McGill and Associates. We represent the Kansas Legislative Policy Group which is an organization of rural county commissioners. We appear today in support of HB 2235, as amended by the House.

Those of you from the drier regions of the State are aware of the problems caused and damage done by wind erosion of the soil. The 1937 Legislature recognized this and declared wind and dust storms "to be destructive of the natural resources of the state and a menace to the health and well-being of our citizens."

The 1937 Legislature also prescribed duties of county commissioners to inspect land from which soil is blowing and to initiate remedial action. This includes "prompt cultivation of the soil" by ordering that the land be "disced, or listed, or chiseled, or cultivated in any other particular manner."

*attachment 3
Senate agriculture
3-23-87*

The same Legislature authorized boards of county commissioners to levy the cost of such work against the land as a special assessment. That authority, which is limited to \$3.00 per acre total and to \$1.00 per year per acre is found in K.S.A. 2-2008. That statute was last amended in 1955.

House Bill 2235 simply allows boards of county commissioners to determine at the first meeting each year what is a reasonable cost per acre for such work. The special assessments would be limited to \$3 per year per acre, or the amount established by the board at its first meeting each year.

In summary, HB 2235 brings K.S.A. 2-2008 thirty two years up to date. We respectfully request that you recommend it for passage.

Thank you for your consideration.

attachment 3

3-23-87