

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at
Chairperson

10:10 a.m./~~p.m.~~ on March 31, 1987 in room 423-S of the Capitol.

All members were present except: Senator Doyen (excused)

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

Conferees appearing before the committee: Representative Robin Leach
Galen Swenson, Marketing Division, State Board of
Agriculture

Senator Allen called the Committee to order and called attention to HCR 5025; he then called on Representative Leach to testify.

Representative Leach stated that HCR 5025 was written to encourage the Department of Commerce and the State Board of Agriculture to work together to see what alternatives there are to enhance the economics of agriculture in Kansas.

The Chairman next called on Galen Swenson to testify.

Mr. Swenson expressed support and cooperation in the proposed HCR 5025 provision to study ways to improve the agricultural industry in Kansas.

The Chairman thanked Representative Leach and Mr. Swenson and declared the hearing completed for HCR 5025; he then called attention to HCR 5023. The Chairman explained the resolution was requesting the United States Department of Agriculture to change its definition of sod busting to not include the plowing of alfalfa fields; he called for Committee action.

Senator Arasmith made a motion the Committee recommend HCR 5023 favorably for passage. Senator Montgomery seconded the motion. Motion carried.

The Chairman called for action on HCR 5025.

Senator Montgomery made a motion the Committee recommend HCR 5025 favorably for passage. Senator Gordon seconded the motion. Committee discussion included that maybe a suggestion to LCC for an interim study to include the requests of HCR 5025 would maybe be more helpful than passage of the resolution. It was suggested that the Committee take no action at this meeting, but later, if HB 2076 does not pass then the Committee will request an interim study for the issue of HCR 5025. Senator Montgomery withdrew his motion. Senator Gordon withdrew his second of the motion.

The Chairman called for action on HB 2173, and called on Senator Gannon for comments.

Senator Gannon stated the intent of the bill is to provide the Attorney General with the authority to enforce prosecution of Federal regulations pertaining to foreign material or dockage that has been added to grain. Staff gave copies of a balloon draft of the bill showing amendments suggested at an earlier meeting (attachment 1). Senator Gannon made a motion the Committee accept the amendments to HB 2173. Senator Montgomery seconded the motion. Motion carried.

Senator Kerr made a motion that section 3 of the balloon draft of HB 2173 be deleted. Senator Karr seconded the motion. Motion carried.

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Senator Montgomery made a motion the Committee recommend HB 2173 favorably for passage as amended. Senator Gannon seconded the motion. Motion carried.

The Chairman called for action on HB 2517 and asked Staff to comment on the bill.

Staff explained the provisions of the bill would allow the Marketing Division to have two funds; one fund to be known as the Trademark Fund and the other to be known as the Market Development Fund. The suggestion for these funds came from the Economic Task Force.

Senator Kerr made a motion the Committee recommend HB 2517 favorably for passage. Senator Gannon seconded the motion. During discussion Senator Gannon then stated there should be another fund for the Marketing Division to be known as the international fee fund which would be associated with international marketing. The monies for this fund would be generated from organizations or individuals who want to donate and who benefit from international marketing. Senator Gannon made a substitute conceptional motion that HB 2517 be amended to allow the Marketing Division to create an International Fee Fund. Senator Karr seconded the motion. Motion carried.

Senator Warren made a motion the Committee recommend HB 2517 favorably for passage as amended. Senator Karr seconded the motion. Motion carried.

The Chairman called for Committee action on HB 2519, he then asked Staff to comment on the bill.

Staff stated the bill had been requested by the State Board of Agriculture in order to govern the manufacture of safe feed for livestock.

Senator Karr made a motion the Committee request HB 2519 be placed on the consent calendar. Senator Gannon seconded the motion. Motion carried.

Senator Allen called Committee attention to HB 2253 for action. Staff handed copies of an amendment for HB 2253 to the Committee (attachment 2).

Senator Montgomery made a motion the Committee accept the amendment for HB 2253. Senator Arasmith seconded the motion.

Senator Warren made a substitute conceptional motion that the amendment read so that a sale would be bid by parcel; then be bid for the total and the sale be made to the bid that totals the most dollars. Senator Norvell seconded the motion. Committee discussion stated the feeling that the amendment would not allow, in some cases, a bankrupt farmer to purchase back the parcel where his home is situated. The motion failed. The Chairman called for a vote on the motion that the Committee accept the amendment for HB 2253. The motion carried.

Senator Montgomery made a motion the Committee recommend passage of HB 2253 as amended. Senator Gannon seconded the motion. Motion carried.

The Chairman called for Committee action on SB 295 and called on Mr. Swenson to update the Committee on the bill.

Mr. Swenson stated the bill provisions would create a study to be known as "blueprint for Kansas agriculture study". The study would focus upon agriculture and agricultural problems relating to agricultural economic development for our State. The study would be done jointly with the Department of Commerce and Kansas State University. The Chairman announced that \$40,000 for the study had been included in the General Fund Budget.

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Senator Karr made a motion that the words in line 27 after 'that' and before 'a study' in line 28 be deleted. Senator Gordon seconded the motion. Motion carried.

Further Committee discussion suggested that the bill should state that no General Fund monies could be spent until the matching funds are received. It was suggested the bill read the General Funds spent will not exceed \$40,000.

Senator Arasmith made a conceptional motion the bill be amended to add the language that General Fund monies be limited to \$40,000 for the fiscal year of 1988. The motion died for lack of a second.

Senator Karr made a motion that SB 295 be recommended favorably for passage as amended. Senator Montgomery seconded the motion. Motion carried.

The Chairman called for approval of Committee minutes.

Senator Gordon made a motion the Committee minutes of March 26 be approved. Senator Thiessen seconded the motion. Motion carried.

The Chairman adjourned the Committee at 11:01 a.m.

HOUSE BILL No. 2173

By Representatives Roenbaugh, Barr, Beauchamp, Buehler, C. Campbell, K. Campbell, Crowell, Crumbaker, Dean, Eckert, Freeman, Gatlin, Goossen, Gross, Hamm, Harper, Holmes, Jenkins, Larkin, Long, Mollenkamp, Rezac, Sallee, Shore, Shriver and Smith

2-3

0025 AN ACT concerning the Kansas criminal code grain; declaring
0026 policy of state with respect to quality thereof; defining and
0027 classifying the crime of adding dockage or foreign material to
0028 grain ~~after harvesting~~; providing civil penalties for adulterat-
0029 ing grain].

0030 *Be it enacted by the Legislature of the State of Kansas:*

0031 Section 1. It is declared to be the policy of the state of Kansas
0032 to: (1) Promote the production of high-quality grain; (2) promote
0033 storage and handling practices which will assist in the mainte-
0034 nance of grain quality; and (3) promote the marketing of grain of
0035 high quality to both domestic and foreign buyers. The objective
0036 of this policy is to provide greater economic incentives for
0037 production and sale of high-quality grain.

0038 Section 4 Sec. 2. (1) Adding dockage or foreign material to
0039 grain ~~after harvesting~~ is knowingly:

0040 (a) Adding dockage or foreign material to any grain which is
0041 intended to be marketed; or

0042 (b) recombining any dockage or foreign material once re-
0043 moved from grain with any grain which is intended to be mar-
0044 keted.

0045 (2) Nothing in subsection (1) shall be construed to prohibit:

0046 (a) The treatment of grain to control insects, dust or fungi
0047 injurious to stored grain; or

0048 (b) the blending of grain with similar grain of a different

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0049 quality to adjust the quality of a resulting mixture;
0050 (c) the marketing of dockage or foreign materials removed
0051 from grain if such dockage or foreign material is marketed sepa-
0052 rately; ~~or~~

0053 (d) the recombination of broken corn or broken kernels as
0054 defined by the administrator of the federal grain inspection
0055 service under the federal grain quality improvement act of 1986
0056 with grain of the type from which the broken corn or broken
0057 kernels were derived.

0058 (3) As used in this section, "foreign material" means dirt,
0059 rock, sand, sticks or manure, or any combination of such material,
0060 ~~or any other substance or combination of substances~~ defined as
0061 foreign material by the United States secretary of agriculture
0062 under the federal grain quality improvement act of 1986.

0063 ~~(4) Adding dockage or foreign material to grain is a class E~~
0064 felony.

0065 ~~(5) This section shall be part of and supplemental to the~~
0066 Kansas criminal code.

0067 [Sec. 3. In addition to other penalties under this act, the
0068 director of the Kansas state grain inspection department is
0069 hereby authorized to bring a civil action in the district court
0070 against any person who has adulterated grain. Upon a showing
0071 that grain has been adulterated, the court shall assess damages in
0072 an amount equal to five times the amount the person who
0073 adulterated the grain could expect to profit from such adultera-
0074 tion. In addition, upon such showing the court may award rea-
0075 sonable attorney fees to the Kansas state grain inspection de-
0076 partment. All moneys collected under this section shall be
0077 deposited in the state treasury and credited to the grain inspec-
0078 tion fee fund. As used in this section, "adulterated" shall have
0079 the meaning ascribed thereto under K.S.A. 65-664 and amend-
0080 ments thereto.]

0081 Sec. 23 [4]. This act shall take effect and be in force from and
0082 after its publication in the statute book.

; or (e) other practices as may be authorized by the United States secretary of agriculture, as of July 1, 1987, under the federal grain quality improvement act of 1986

, as of July 1, 1987,

(4) As used in this section, "dockage" means that definition given to it by the United States secretary of agriculture, as of July 1, 1987, under the federal grain quality improvement act of 1986.

(5)

(6)

(c) Agricultural land; sale by individual parcel, parcels or as a whole. Agricultural land taken on execution issued following an action for mortgage foreclosure, shall be offered for sale by individual parcel, groups of parcels or as a whole at the discretion of the district judge who shall determine the most commercially reasonable fashion to sell the agricultural land. Agricultural land thereafter ^{MAY} ~~can~~ be redeemed in the individual parcel, groups of parcels or as a whole depending on how the land was sold at the sheriff's sale. "Agricultural land" means land used in farming, tillage of the soil, dairy farming, ranching, production or raising of crops, poultry or livestock, or production of poultry or livestock products in an unmanufactured state. The provisions of this subsection (c) shall expire on July 1, 1992.

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