

Approved February 5, 1988
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Representative Clifford V. Campbell at
Chairperson

9:07 a.m./~~p.m.~~ on January 26, 1988 in room 423-S of the Capitol.

All members were present ~~except~~

Committee staff present: Raney Gilliland, Legislative Research Department
Norman Furse, Revisor of Statutes Office
Marjorie Brownlee, Committee Secretary

Conferees appearing before the committee: Representative Gayle Mollenkamp
Joe Hockersmith, Farmer-Oakley
Carl Chipman, Farmer-Oakley
Willis Hockersmith, Farmer-Oakley
Mary Harper, Farmer-Scott County
Representative Don Crumbaker

Chairman Campbell greeted the Secretary of Agriculture, Sam Brownback, who introduced the new President of the State Board of Agriculture, Ms. Lois Schlickau.

The following proponents of HB 2624 were heard by the Committee.

Representative Gayle Mollenkamp first spoke concerning his area and windblown erosion. (Attachment I)

Joe Hockersmith, farmer from Oakley, discussed their unusual problem with the wind and "fire weed" and cited the loss of many acres of newly planted wheat by himself and neighbors because of the blowing weed.

Carl Chipman, farmer from Oakley, produced pictures after a windstorm showing the pile-up of blowing weeds. Where there are fences with the weeds piled up in them, when there is an accumulation of snow it covers the fences permitting cattle to get out---some of which are never recovered by their rightful owners.

Willis Hockersmith, farmer from Oakley, discussed the fire hazard aspect of these weeds. Once a fire is started in these weeds, it is virtually impossible to put out the fire, thereby presenting a tremendous hazard to homesteads and out-buildings.

Mary Harper, farmer of Scott County, said the treatment of these weeds may not have been properly carried out for the reasons that there are absentee farmers and others who are newcomers and do not "understand the land" and the potential problems the weeds can produce. (Attachment II) It was also noted that they present a health hazard.

Representative Don Crumbaker pointed out that the method of undercutting the land can go a long way to controlling the problem. However, if it is not done at the proper time (probably in August), it can only present further problems.

Chairman Campbell acknowledged Secretary of Agriculture Sam Brownback who wished to suggest three bills for Committee action. (Attachments III, IV and V)

Representative Solbach moved to introduce these bills. Representative Mollenkamp seconded the motion. The motion carried unanimously by the Committee.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS,
room 423-S Statehouse, at 9:07 a.m./~~p.m.~~ on January 26, 1988

Representative Dean moved that the minutes of the January 13, 20, and 21st meetings be approved as presented. Representative Eckart seconded the motion. The motion carried.

The meeting was adjourned at 9:55 a.m. by Chairman Campbell.

The next meeting of the House Agriculture and Small Business Committee will be at 9:00 a.m., Wednesday, January 27, 1988, in Room 423-S.



TOPEKA

HOUSE OF
REPRESENTATIVESCOMMITTEE ASSIGNMENTS
MEMBER: AGRICULTURE AND SMALL BUSINESS
ENERGY AND NATURAL RESOURCES
LOCAL GOVERNMENTGAYLE MOLLENKAMP
REPRESENTATIVE, 118TH DISTRICT
LOGAN, GOVE, TREGO, GRAHAM
AND PARTS OF NESS AND
ROOKS COUNTIES

HC2, BOX 5

RUSSELL SPRINGS, KANSAS 67755-0005

January 26, 1988

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

Wind-blown dust and weeds are a problem in Western Kansas. The problem stems from the fact that farmers must summer fallow land to build up a reserve of moisture for the following year's crop. Fall seeded crops tend to cause the bulk of the problems concerning wind-blown weeds. Unless the fall seeded crops are sprayed for early spring weeds, mainly mustard or the stubble worked following harvest, blowing weeds will become a serious contributor to blowing dust on the seeded acres of wheat, barley and oats in the early spring before sufficient growth is obtained to hold the ground from blowing.

The Russian thistle, kochia and prostrate pig weed are weeds which are usually the worst offenders. When they mature, their shape allows them to roll easily. They will move at the will of the wind above 20 miles per hour and will continue to do so until they lodge in fence rows, farmsteads, windbreaks, or places otherwise sheltered from all directions of the wind. The wind blown weeds create a dangerous fire hazard; an endless job of maintaining a farmstead, wind breaks and pulverizes the top soil causing a dust blowing situation.

The conditions for C.R.P. program requires the farmers, who have contracts, to control weed growth. I feel HB2624, which adds wind blown weeds to the existing wind blown dust statute, will give county commissioners another tool to help encourage absentee land owners, also resident owners, to either use chemicals or approved farming practices

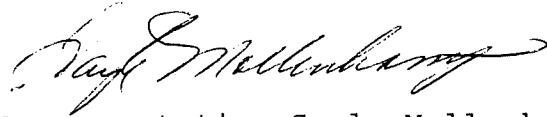
(over)

ATTACHMENT I

to control weed growth on carry over crop land. There is no fiscal note to state.

Mr. Chairman, members of the Committee, I urge your support for HB2624.

Thank you.

A handwritten signature in cursive script, appearing to read "Gayle Mollenkamp".

Representative Gayle Mollenkamp

I AM MARY HARPER, A FARMER FROM SCOTT COUNTY. WE ALSO FARM LAND IN LOGAN COUNTY. I AM TESTIFYING IN FAVOR OF HOUSE BILL 2624.

MOST FARMERS, WHEN THEY ARE ABLE, CAREFULLY CONTROL THEIR GROUND FROM EROSION. HOWEVER, IF THEY HAVE NEIGHBORS WHO DO NOT CARE FOR THEIR LAND, EITHER BECAUSE THEY ARE ABSENTEE FARMERS, OR BECAUSE THEY DO NOT UNDERSTAND THE LAND, THERE IS A NEED FOR SUCH A LAW AS THIS TO PROD THE CARELESS ONES INTO ACTION.

IN OUR NEIGHBORHOOD WE HAVE SOME FARMERS WHO HAVE NOT FARMED OUR TYPES OF LAND LONG ENOUGH TO UNDERSTAND IT. THEY SEEM TO BELIEVE THEY CAN HARVEST THEIR CROPS THEN TAKE TIME OFF FOR OTHER ACTIVITIES AND JUST LET THE WEEDS GROW. IF WE HAVE GOOD MOISTURE SOME OF THESE WEEDS GET HUGE AND WHEN THEY LET GO IN A STRONG WIND THEY TUMBLE FOR MILES STIRRING UP THE GROUND AS THEY GO. RUSSIAN THISTLES AND FIREBUSH (KOCHIA WEED) BURN WITH A TERRIBLE HEAT SO WHEN THEY PILE INTO OUR WINDBREAKS OR AROUND OUR BUILDINGS THEY ARE A VERY REAL FIRE HAZARD. WE ALL HAVE PLANTED CEDAR TREES FOR WINDBREAKS. THE BLOWING WEEDS PACK INTO THE TREES SO TIGHTLY THAT IT IS IMPOSSIBLE TO REMOVE THEM. IF DIRT IS BLOWING INTO THE TREE ROW WE SOON HAVE AN UNACCEPTABLE DIRT RIDGE.

I REALLY HATE TO ASK THAT YOU PASS SUCH A BILL AS THIS BUT BECAUSE WE DO NOT SEEM TO BE ABLE TO RECEIVE ADEQUATE INCOME FROM OUR CROPS SO MUCH LAND IS CHANGING HANDS, FARMERS ARE TAKING OFF-FARM JOBS, OR THEY LIVE IN SOME OTHER SECTION OF THE COUNTRY, OR INVESTOR GROUPS SIMPLY DO NOT CARE I BELIEVE THIS LAW IS NEEDED IF WE ARE TO SAVE OUR SOIL.

I KNOW THAT OFTEN NEIGHBORS ARE RELUCTANT TO CONFRONT THE FARMER WHO IS NOT TAKING CARE OF HIS LAND AND IF THEY CAN SIMPLY REPORT HIM TO THE COUNTY COMMISSIONERS WHO WILL ASK HIM TO CONTROL HIS WEEDS THE PROBLEM LIKELY WILL BE SOLVED. THE PERSON WHO HAS LET HIS WEEDS GO WILL BE REMINDED OF HIS DUTIES AND THE PERSON WHO IS BEING DAMAGED WILL BE SAVED FROM ECONOMIC LOSS AND THE ANGRY, FRUSTRATED FEELINGS HE HAS WHEN HE SEES A CROP BEING BLOWN OUT BECAUSE OF NEGLECT HE CAN 'T CONTROL. REMEMBER, A GOOD, PROFITABLE CROP ^{should} PROVIDES MORE TAXABLE INCOME. THANK YOU.

Section 1. K.S.A. 74-530 is hereby amended to read as follows:

74-530. A division of markets hereinafter referred to as "the division," is hereby created within the state board of agriculture. It shall be the duty of the division to perform acts and to do, or cause to be done, those things which are designed to lead to the more advantageous marketing of agricultural products of Kansas. For these purposes the division may, among other things authorized by this act:

- (a) Investigate the subject of marketing farm products;
- (b) promote their sales distribution and merchandising;
- (c) furnish information and assistance to the public;
- (d) study and recommend efficient and economical methods of marketing;
- (e) provide for such studies and research as may be deemed necessary and proper; and
- (f) to gather and diffuse timely and useful information concerning the supply, demand, prevailing prices and commercial movement of farm products including quantity in common storage and cold storage, in cooperation with other public or private agencies;
- (g) to conduct market development activities and to assist and coordinate participation by companies, commodity organizations, trade organizations, producer organizations and other interested organizations to develop new markets and sales for Kansas agricultural commodities and food products;
- (h) to render assistance to any of the entities listed in subsection (g) and to development activities and to make a reasonable service charge for such services rendered by the division; and any moneys received for services rendered shall be deposited in the fund created in section 2 of this bill; and

(i) to make agreements with other states and with the United States government, or its agencies, and to accept funds from the federal government, or its agencies, or any other source for research studies, investigation, market development and other purposes related to the duties of the division.

New Section 2. In conjunction with any trademark registered by the state board of agriculture, the division of markets of the Kansas state board of agriculture is hereby authorized to:

(a) promulgate policy regarding the use of any such trademark;

(b) print, reproduce or use the trademark in or on educational, promotional or other material;

(c) fix, charge and collect fees for the use of the trademark provided that the fees shall be fixed in an amount necessary to recover all direct costs associated with the production of educational, promotional and other materials associated with a trademark program; and

(d) enter into any contracts necessary to carry out the purposes of this bill; all such contracts shall be exempt from the bidding requirements of K.S.A. 75-3739 and amendments thereto.

New Section 3. All moneys received pursuant to section 2 of this act shall be deposited, at least monthly in the state treasury and shall be credited to a special revenue fund which is hereby created and which shall be known as the "trademark fund". Expenditures from said fund may be made for any purpose consistent with this act. Warrants on said fund shall be drawn in the same manner as required by other state agencies upon vouchers signed by the secretary of the state board of agriculture or his authorized designee.

New Section 4. The state board of agriculture shall remit all moneys received by or for it under K.S.A. 74-530 to the state treasurer at least monthly.

Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to a special revenue fund which is hereby created and shall be known as the "market development fund", or used in accordance with or direction of the contributing federal agencies; and expenditures from such fund may be made for any purpose in keeping with the responsibilities, functions and authority of the division; and warrants on such fund shall be drawn in the same manner as required of other state agencies upon vouchers signed by the secretary.

Section 5. This act shall take effect and be in force from and after its publication in the statute book.

Proposed FACTS Amendment

Section 1. K.S.A. 74-545 is hereby amended to read as follows:
74-545. (a) The secretary of the state board of agriculture with the cooperation of the director of extension of Kansas state university coordinate a farm assistance, counseling and training referral program. For the purposes of providing such assistance and program, the secretary shall utilize the services of the director and division of extension of Kansas state university, other state agencies, county extension personnel, municipal and community services organizations and personnel and private business and professional agencies or services available for such purpose. The secretary shall compile a directory of programs and services which may be utilized in providing the assistance contemplated by this act. Staff required by the secretary for the purposes of implementing this act shall serve in the offices of the division of extension at Kansas state university. Personnel employed by the secretary for purpose of implementing this act shall be employed as special project employees and shall be in the unclassified service under the Kansas civil service act. The personnel employed by the secretary for this purpose and county extension personnel shall be utilized in: (1) Receiving requests for assistance; (2) determining the eligibility of persons requesting assistance; and (3) determining if such assistance can best be provided by staff or by referral to an agency or party for direct assistance. Personnel receiving requests for assistance will provide where possible such assistance or refer the person requesting such assistance to an agency or person qualified to provide such assistance in the home community or county of the

person requesting such assistance.

(b) Persons shall be eligible to receive assistance pursuant to this act if they: (1) Are primarily engaged in the business of farming, ranching, agribusiness or other agriculture-related activities; and (2) will be unable to continue in such business or activity or be seriously handicapped in such continued operation without the assistance provided pursuant to this act.

(c) The assistance to be made available to eligible persons by staff, by contract, or by referral to appropriate persons or agencies shall include farm management, legal assistance, legal advice and referrals, financial planning, employment services, business planning, mediation, and other personal and family support counseling and other related services.

The secretary may provide legal assistance through a contract for legal services with any private or corporate law firm.

(d) The secretary is hereby authorized to negotiate and enter into contracts for the performance of the powers, duties and functions of the program established by K.S.A. 74-544 et seq., and amendments thereto. All such contracts shall be exempt from the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

(e) The secretary is hereby authorized to receive grants, gifts or donations from the United States government, or its agencies, or any other source whatsoever for the purposes of the FACTS Program; and any funds so received shall be deposited in the state

treasury and shall be credited to a special revenue fund which is hereby created and shall be known as the "FACTS gifts and contributions fund"; and expenditures from such fund may be made for any purpose in keeping with the responsibilities, functions and purposes of the FACTS program; and warrants on such fund shall be drawn in the same manner as required of other state agencies upon vouchers signed by the secretary.

~~(d)~~ (f) The provisions of this act shall expire on July 1, 1990.

treasury and shall be credited to a special revenue fund which is hereby created and shall be known as the "FACTS gifts and contributions fund"; and expenditures from such fund may be made for any purpose in keeping with the responsibilities, functions and purposes of the FACTS program; and warrants on such fund shall be drawn in the same manner as required of other state agencies upon vouchers signed by the secretary.

(d) (f) The provisions of this act shall expire on July 1, 1990.

Proposed Amendment to the Plant Pest Act

Section 1. K.S.A. 2-2113 is hereby amended to read as follows: 2-2113.
~~Words used in this act shall be construed to import either the singular or plural, as the case demands; and~~ As used in the plant pest act, the following meanings:

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

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

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

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

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

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

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

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

of any control of the nurseryman.

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

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

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

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

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

Sec. 2. K.S.A. 2-2113 is hereby repealed.