

Approved April 24, 1991
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE

The meeting was called to order by Representative Lee Hamm at
Chairperson

9:00 a.m./~~p.m.~~ on Tuesday, April 2, 1991 in room 423-S of the Capitol.

All members were present ~~except~~

Committee staff present: Raney Gilliland, Legislative Research
Jill Wolters, Revisor of Statutes Office
Pat Brunton, Committee Secretary

Conferees appearing before the committee: None

Chairman Hamm opened discussion on SB 308 - amending the Noxious Weed Law.

Representative Correll moved to report SB 308 unfavorable for passage. Representative White seconded the motion. Representative Bryant voiced his opposition to the motion. Motion carried.

Chairman Hamm opened discussion on SB 322 - an act concerning noxious weeds.

The Chairman offered an amendment to SB 322, page 3, line 41, which deletes "for reimbursement" and adds ", and no more than the stated amount on the certificate shall be reimbursed". (Attachment 1).

Representative Gatlin made a motion to adopt the amendment. Representative Lloyd seconded. Motion carried.

Representative Weiland moved to pass favorably SB 322 as amended. Representative Flower seconded.

Representative Heinemann made a substitute motion to amend SB 322 so that section 3 will apply to calendar years 1992 and 1993 and then it would require future action by this legislature to be continued. Representative Rezac seconded the substitute motion. Representative Lloyd and Representative Weiland voiced their opposition to the substitute motion. Motion failed.

Representative Freeman made a substitute motion to table SB 322. Representative Mollenkamp seconded. Motion failed.

After a voice vote, the Chair was in doubt of passage on the original motion made by Representative Weiland.

Representative Weiland requested a division vote. Thirteen in favor. Motion carried.

Representative Rock made a motion to approve the committee minutes of March 26, 1991. Representative Weiland seconded the motion. Motion carried.

The meeting adjourned at 9:45 a.m.

GUEST LIST

HOUSE AGRICULTURE COMMITTEE

April 2, 1991

NAME	ADDRESS	COMPANY/ORGANIZATION
Tom Tunwell	TOPEKA	KANSAS FERT/CHEM/ASSN
Rick Johnson	Assaria	(Interested constituent fr. Bethany College)
Warren Parker	Manhattan	Ks. Farm Bureau
Nancy E. Kautola	Topeka	CKFO
Kenneth M. Wilke	Topeka	KSBA
BILL R. FULLER	Manhattan	Kansas Farm Bureau

SENATE BILL No. 322

By Committee on Agriculture

2-26

8 AN ACT concerning noxious weeds; allowing counties to establish a
9 program to provide chemicals from a chemical dealer to land-
10 owners on a discount basis; amending K.S.A. 2-1319 and K.S.A.
11 1990 Supp. 2-1322 and repealing the existing sections.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2-1319 is hereby amended to read as follows:
15 2-1319. (a) The cost of controlling and eradicating noxious weeds on
16 all lands or highways owned or supervised by a state agency, de-
17 partment or commission shall be paid by the state agency, depart-
18 ment or commission supervising such lands or highways ~~out of from~~
19 funds appropriated to its use; on county lands and county roads, on
20 township lands and township roads, on city lands, streets and alleys
21 by the county, township or city in which such lands, roads, streets
22 and alleys are located, and ~~out of from~~ funds made available for
23 that purpose; on drainage districts, irrigation districts, cemetery as-
24 sociations and other political subdivisions of the state, the costs shall
25 be paid ~~out of from~~ their respective funds made available for the
26 purpose. If the governing body of any political subdivision owning
27 or supervising lands infested with noxious weeds within their juris-
28 diction ~~shall fail to endeavor~~ fails to control such noxious weeds
29 after ~~fifteen (15)~~ 15 days' notice directing any such body to do so,
30 the board of county commissioners shall proceed to have proper
31 control and eradication methods used upon such lands, and shall
32 notify the governing body of the political subdivision by certified
33 mail of the costs of such operations, with a demand for payment.
34 The governing body of the political subdivision shall pay such costs
35 from its noxious weed fund, or if no such fund is available, from its
36 general fund or from any other funds available for such purpose.
37 Copy of the statement, together with proof of notification, shall at
38 the same time be filed with the county clerk, and if the amount is
39 not paid within ~~thirty (30)~~ 30 days, ~~the same such~~ clerk shall spread
40 the amount upon the tax roll of the subdivision, and ~~said such~~
41 amount shall become a lien against the entire territory located within
42 the particular political subdivision, and shall be collected as other
43 taxes are collected.

Hs. Ag.
4-2-91
ATTACHMENT I

1 missioners shall sell chemical material to the landowners in their
2 jurisdiction at a price fixed by the board of county commissioners
3 which shall be in an amount equal to not less than 50% nor more
4 than 75% of the total cost incurred by the county in purchasing,
5 storing and handling such chemical materials used in the control and
6 eradication of noxious weeds, and may make such charge for the use
7 of machines or other equipment and operators as may be deemed
8 by them sufficient to cover the actual cost of operation. However,
9 once the tax levying body of a county, city or township has authorized
10 the maximum tax levy prescribed by K.S.A. 2-1318, and amendments
11 thereto, the board of county commissioners may collect from the
12 landowners in their jurisdiction an amount equal to 75% but not
13 more than 100% of the total cost incurred by the county in pur-
14 chasing, storing and handling of chemical materials used in the con-
15 trol and eradication of noxious weeds.

16 (c) Whenever official methods of eradication adopted by the state
17 board of agriculture are not used in applying the chemical material
18 purchased, the board of county commissioners may collect the re-
19 maining portion of the total cost thereof from the landowner.

20 (d) The board of county commissioners, township boards, and
21 the governing body of cities shall keep a record showing purchases
22 of material and equipment for control and eradication of noxious
23 weeds. The board of county commissioners and the governing body
24 of cities shall also keep a complete itemized record showing sales
25 for cash or charge sales of material and shall maintain a record of
26 charges and receipts for use of equipment owned by each county or
27 city on public and private land. Such records shall be open to in-
28 spection by citizens of Kansas at all times.

29 New Sec. 3. (a) The board of county commissioners may adopt
30 a resolution to authorize the establishment of a program to provide
31 chemical materials used in the control and eradication of noxious
32 weeds to landowners through chemical dealers on a discount basis.

33 (b) If such program is authorized, the county weed supervisor
34 shall issue discount certificates, prior to the chemicals being pur-
35 chased from the chemical dealers, to the landowners. Such certificate
36 shall be taken to a chemical dealer and be presented for the purchase
37 of the chemical material. The chemical dealer shall issue an invoice
38 showing the credit amount of the discount certificate. The dealer
39 shall send the certificate and a copy of the invoice to the county
40 weed supervisor. The certificates and invoices shall be turned over
41 to the board of county commissioners for reimbursement to the
42 chemical dealers. The discount certificates shall be paid from the
43 noxious weed fund.

,and no more than the stated amount on the certificate
shall be reimbursed