

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on March 10, 1995, in Room 423-S of the Capitol.

All members were present except: Representative Lloyd - Excused  
Representative Ballou - Absent  
Representative Correll - Absent  
Representative Powers - Absent

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

Conferees appearing before the committee:

Others attending: See attached list

Chairperson Flower asked the committee to review the minutes of March 9. If there are corrections or additions to notify the secretary by 5:00 or they will be considered approved as presented.

**Discussion and action on SB 164 - Creating the Kansas Dairy Commission**

Chairperson Flower opened discussion on **SB 164**. It was thought at the time of the hearing on **SB 164** that money collected through this assessment could not be used for lobbying purposes. After researching this issue, staff could not confirm whether check-off money could or could not be used for lobbying purposes. Therefore, an amendment had been prepared to amend **SB 164** on page 4, line 6, by inserting a new subsection (e) stating that "the commission shall not expend any money collected pursuant to Section 4 to pay the cost of any lobbying or activity to influence, promote or oppose any action or nonaction by the legislature on any legislative matter. Any member or employee of the commission, while acting in such person's capacity as a member or employee, is hereby prohibited from lobbying for or against or promoting or opposing any action or nonaction by the legislature on any legislative matter." After much discussion, it was the general consensus of the committee that, providing there wasn't already current law forbidding lobbying, the Kansas Dairy Commission should be able to spend their own money as they wished. (Attachment 1)

Representative Sloan moved to pass **SB 164** out favorably. Representative Luthi seconded the motion. The motion carried.

**Discussion and action on SB 205 - County weed supervisor submits annual report February 15 and other reports as established by rules and regulations; publication of general notice of noxious weed infestation**

Chairperson Flower opened discussion on **SB 205**. As there was none, Representative Feuerborn moved to pass **SB 205** out favorably. The motion was seconded by Representative Crabb. Motion carried.

**Discussion and possible action on SB 206 - Giving the county weed directors the power to seize noxious weed seeds or plants; amending the penalty section; unpaid labor costs collected as other taxes.**

Chairperson Flower opened discussion on **SB 206**. Representative Sloan had prepared an amendment to **SB 206** adding a new Section 1 giving county weed directors the power to seize noxious weed seeds or plants. This new section was almost identical to the section deleted by the Senate Agriculture Committee. The

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on March 10, 1995.

amendment added the words "pursuant to law" on line 9. Representative Sloan had consulted with the Secretary of Agriculture concerning this amendment. As the state has only five investigators to cover the entire state, the Secretary and staff of the Department of Agriculture had no objection to the county weed supervisors being allowed to seize noxious weed seeds or plants. After much discussion, it was decided to delay a decision on this amendment to allow committee members time to visit with their local people regarding this issue. (Attachment 2)

Discussion and possible action on SB 206 will continue next week.

The meeting adjourned at 9:45 a.m. The next meeting is scheduled for March 14, 1995.

# HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: March 10, 1995

NAME	REPRESENTING
Joe Lieber	KS. Co-op Council
William T. Scott	Ks. Dept. of Agriculture
JOHN KABUS	SN CO. NOXIOUS WEEDS DEPT
Radney Biesenthal	Pott Co Noxious Weed Dept
Kenneth M. Wilke	Ks Dept of Agriculture
Wm. F. Russell	KDOC Eureka, Ks
Lynda Foster	Dairyman, Ft. Scott, Ks.
Debra Martin	insider
Rich McKee	KS Livestock Assoc.
Jamie Clover Adams	KS Fert & Chem Assn

1 ernment.

2 (d) All money collected pursuant to section 4 shall be expended in  
3 the administration of this act, and for the payment of claims based upon  
4 obligations incurred in the performance of the activities and functions set  
5 forth in this act, and for no other purpose.

6 Sec. 6. Any person who shall violate any of the provisions of this act  
7 shall be deemed guilty of a misdemeanor, and upon conviction shall be  
8 punished by a fine of not less than \$25 nor more than \$500 or by im-  
9 prisonment in the county jail for not less than 30 nor more than 90 days,  
10 or by both such fine and imprisonment.

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

(e) The commission shall not expend any money collected pursuant to section 4 to pay the cost of any lobbying or activity to influence, promote or oppose any action or nonaction by the legislature on any legislative matter. Any member or employee of the commission, while acting in such person's capacity as a member or employee, is hereby prohibited from lobbying for or against or promoting or opposing any action or nonaction by the legislature on any legislative matter.

*House Agriculture  
Attachment 1  
3-10-95*

*As Amended by Senate Committee*

*Session of 1995*

**SENATE BILL No. 164**

By Committee on Agriculture

2-1

10 AN ACT creating the Kansas dairy commission; providing for the powers  
11 and duties thereof.

12

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

14 Section 1. As used in this act:

15 (a) "Commission" means the Kansas dairy commission.

16 (b) "Purchaser" means any person, public or private corporation, as-  
17 sociation or partnership who buys fluid milk from the seller or acts as an  
18 agent for the sale transaction.

19 (c) "Producer" means a person who is actively engaged within this  
20 state in the business of producing fluid milk and who receives income  
21 from the production of fluid milk.

22 (d) "Sale" or "sold" means a transaction in which fluid milk is trans-  
23 ferred from the seller to a purchaser for full or partial consideration.

24 (e) "Secretary" means the secretary of the state board of agriculture.

25 (f) "Seller" means any private entity or corporation that sells fluid  
26 milk.

27 Sec. 2. (a) There is hereby created the Kansas dairy commission.

28 (b) The commission shall consist of seven members who will be  
29 elected at the annual meeting of the Kansas dairy association. The board  
30 of directors of the Kansas dairy association shall act as interim commission  
31 members until commission members can be elected and qualified. Va-  
32 cancies which may occur shall be filled for unexpired terms by the board  
33 of directors of the Kansas dairy association from among the producers of  
34 the state. Each commission member appointed on and after the effective  
35 date of this act, other than a commission member appointed to fill a  
36 vacancy for an unexpired term, shall be elected for a term of four years  
37 except that three of the commission members first elected on and after  
38 the effective date of this act shall be elected for a term of two years. No  
39 member may serve more than two consecutive terms. Upon the expiration  
40 of a term of a member of the commission, such member shall continue  
41 to serve as a member of the commission until a successor to such member  
42 is elected and qualified.

43 (c) Members of the commission shall be residents of this state and

2-1

1 estate is located within 30 days from the date of such notice, a penalty  
 2 charge of 10% of the amount remaining unpaid shall be added to the  
 3 account and the total amount thereof shall become a lien upon such real  
 4 estate. The unpaid balance of such account and such penalty charge shall  
 5 draw interest from the date of entering into such contract at the rate  
 6 prescribed for delinquent taxes pursuant to K.S.A. 70-2004, and amend-  
 7 ments thereto. A copy of the statement, together with proof of notifica-  
 8 tion, shall at the same time be filed with the register of deeds in such  
 9 county and the county or city clerk, as the case may be, and if such amount  
 10 is not paid within the next 30 days the county or city clerk, as the case  
 11 may be, shall spread the amount of such statement upon the tax roll  
 12 prepared by the clerk and such amount shall become a lien against the  
 13 entire contiguous tract of land owned by such person or persons of which  
 14 the portion so treated is all or a part, and shall be collected as other taxes  
 15 are collected, and all moneys so collected shall be paid into the noxious  
 16 weed eradication fund, except that not more than 5% of the assessed  
 17 valuation of the entire contiguous tract of land of which the portion so  
 18 treated is all or a part shall be spread on the tax rolls against such land in  
 19 any one year. If any land subject to a lien imposed under this section is  
 20 sold or transferred, the entire remaining unpaid balance of such account  
 21 plus any accrued interest and penalties shall become due and payable  
 22 prior to the sale or transfer of ownership of the property, and upon col-  
 23 lection shall be paid to the noxious weed eradication fund.

24 Sec. 3 Section 1. K.S.A. 2-1323 is hereby amended to read as fol-  
 25 lows: 2-1323. Any person, association of persons, corporation, county or  
 26 city or other official who shall violate or fail to comply with any of the  
 27 provisions of this act and acts amendatory thereof or supplemental thereto  
 28 shall be guilty of a misdemeanor and shall be punished upon conviction  
 29 thereof by a fine of not less than fifty dollars (\$50) nor more than five  
 30 hundred dollars (\$500) for each count \$100 per day for each day of non-  
 31 compliance up to a maximum fine of \$1,500.

32 Sec. 4. K.S.A. 1004 Supp. 2-1332 is hereby amended to read as fol-  
 33 lows: 2-1332. In the event the county weed supervisor enters or causes  
 34 entry upon land to control any noxious weed infestation, after service of  
 35 legal notice, such supervisor shall immediately notify or cause to be no-  
 36 tified, by certified mail, the owner of such land with an itemized statement  
 37 of the costs of treatment. Such costs of treatment shall include the total  
 38 cost of material, labor and use of equipment. Such statement shall include  
 39 a penalty charge of 10% of the total amount of treatment costs. The  
 40 unpaid balance of any such treatment costs including such penalty charge  
 41 shall draw interest from the date of treatment at the rate prescribed for  
 42 delinquent taxes pursuant to K.S.A. 70-2004, and amendments thereto.  
 43 A copy of such statement, together with proof of notification, shall at the

New Section 1. (a) Wherever the county weed supervisor finds noxious weed seeds or noxious weed plants that exist on any premises in the county or is in transit in the county, the county weed supervisor, upon giving notice to the owner or operating agent in possession thereof, may seize, treat or otherwise dispose of such infestation or infested material pursuant to law as the county weed supervisor deems necessary to suppress, control, eradicate, prevent or retard the spread of the noxious weed, or the county weed supervisor may order such owner or agent to so treat or otherwise dispose of such noxious weed seed or noxious weed plant.

(b) Any owner or operating agent may challenge the action taken in subsection (a) by filing a protest with the board of county commissioners within 10 days of such action. The board of county commissioners shall hold a hearing and affirm or deny such action. If any person is dissatisfied with the decision rendered by the board, such person within 30 days shall file a written notice of appeal with the clerk of the district court. Such appeal shall be docketed in the district court and tried the same as other actions.

Renumber remaining sections accordingly.

House Agriculture  
Attachment 2  
3-10-95

*As Amended by Senate Committee*

Session of 1985

**SENATE BILL No. 206**

By Committee on Agriculture

2-6

10 AN ACT concerning agriculture; relating to noxious weeds; amending  
11 K.S.A. 2-1323 and K.S.A. 1004 Supp. 2-1320 and 2-1332 and repealing  
12 the existing sections *section*.

13

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

15 New Section 1: (a) Wherever the county weed supervisor finds nox-  
16 ious weed seeds or noxious weed plants that exist on any premises in the  
17 county or is in transit in the county; the county weed supervisor, upon  
18 giving notice to the owner or operating agent in possession thereof, may  
19 seize, treat or otherwise dispose of such infestation or infested material  
20 in such manner as the county weed supervisor deems necessary to sup-  
21 press, control, eradicate, prevent or retard the spread of the noxious  
22 weed; or the county weed supervisor may order such owner or agent to  
23 so treat or otherwise dispose of such noxious weed seed or noxious weed  
24 plant.

25 (b) Any owner or operating agent may challenge the action taken in  
26 subsection (a) by filing a protest with the board of county commissioners  
27 within 10 days of such action. The board of county commissioners shall  
28 hold a hearing and affirm or deny such action. If any person is dissatisfied  
29 with the decision rendered by the board, such person within 30 days shall  
30 file a written notice of appeal with the clerk of the district court. Such  
31 appeal shall be docketed in the district court and tried the same as other  
32 actions.

33 Sec. 2: K.S.A. 1004 Supp. 2-1320 is hereby amended to read as fol-  
34 lows: 2-1320. In case the county weed supervisor or city weed supervisor  
35 enters upon land or furnishes weed control materials pursuant to a con-  
36 tract or an agreement with an owner, operator or supervising agent of  
37 noxious weed infested land for the control of such noxious weeds and, as  
38 a result of such weed control methods, there are any unpaid accounts  
39 outstanding by December 31 of each year, the county commissioners or  
40 governing body of the city shall immediately notify or cause to be notified,  
41 such owner with an itemized statement as to the cost of material, labor  
42 and use of equipment and further stating that if the amount of such  
43 statement is not paid to the county or city treasurer wherein such real

2-2