

Approved: \_\_\_\_\_

2-23-99

Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Steve Morris at 10:00 a.m. on February 19, 1999 in Room 423-S of the Capitol.

All members were present except:

Committee staff present:      Raney Gilliland, Legislative Research Department  
   Bruce Kinzie, Revisor of Statutes  
   Nancy Kippes, Committee Secretary

Conferees appearing before the committee:

Others attending:      (See Attached)

Senator Huelskamp made a motion to approve the minutes of the February 18, 1999 meeting as submitted. Senator Umbarger seconded. Motion carried.

**SB 287 -      concerning chief engineer of division of water resources of department of agriculture; relating to powers thereof**

Letters from League of Kansas Municipalities (Attachment 1) and Kansas Farm Bureau (Attachment 2) in support of **SB 287** were distributed.

Senator Corbin made a motion to pass favorably **SB 287**. Senator Huelskamp seconded. Motion carried.

**SB 292 -      act concerning imported meat, poultry or dairy products labeling; providing for enforcement by attorney general**

Senator Tyson made a motion to pass favorably **SB 292**. Senator Huelskamp seconded. Motion carried.

**SB 281 -      concerning liens; providing liens on crops**

Staff advised the committee of several amendments to **SB 281** at the suggestion of Chris Wilson, Kansas Seed Industry Association and Kansas Agricultural Aviation Association, who requested the bill introduction (Attachment 3).

Discussion on **SB 281** was continued to February 23, 1999.

The next meeting will be February 23, 1999.





**League  
of Kansas  
Municipalities**

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 300 S.W. 8TH TOPEKA, KS 66603-3896 (785) 354-9565 FAX (785) 354-4186

February 18, 1999

Senator Steve Morris, Chairman  
Senate Committee on Agriculture  
State Capitol, 143N  
Topeka, KS 66612

SUBJECT: (1) Removal of Objections to SB 64; and (2) Support for SB 287

Dear Senator Morris:

Thank you for allowing me to express our earlier views about SB 64, concerning the status of certain employees in the Department of Agriculture. I am writing to advise you that, after consultation with the Governing Body of the League, I am pleased to report that the League's earlier objections to SB 64 have been addressed and we no longer have concern about the bill.

Further, I am writing to express the League's support for SB 287, which would make the rules and regulations proposed by the chief engineer and other actions of the chief engineer subject to approval by the secretary of agriculture. Modern management systems in public and private organizations require a line of accountability throughout the organization. These changes will ensure that the Secretary of Agriculture, appointed by and accountable to the governor, has the tools to oversee the execution of the responsibilities of this important division of the Department of Agriculture.

Thank you again for your consideration of our views on these matters.

Sincerely,

Christopher McKenzie  
Executive Director

cc. Secretary Allie Devine, Kansas Department of Agriculture

**President:** John R. Zutavern, Commissioner, Abilene \* **Vice President:** Carol Marinovich, CEO/Mayor, Wyandotte County/Kansas City \* **Past Presidents:** Donald L. Anderson, Mayor, Lindsborg \* **Chris Cherches**, City Manager, Wichita \* **Ed Eilert**, Mayor, Overland Park \* **Irene French**, Mayor, Merriam \* **Ralph T. Goodnight**, Mayor, Lakin \* **Directors:** James Arnold, Mayor, Scott City \* Joan Bowman, Mayor, Lenexa \* **Delores Dalke**, Mayor, Hillsboro \* **Tony Fiedler**, Commissioner, McPherson \* **Rod Franz**, Finance Director, Salina \* **Warren C. Hixson**, Mayor, Colby \* **Don J. Knappenberger**, City Attorney, St. John \* **J. Patrick Lawless, Jr.**, Mayor, Osage City \* **Ralph Soelter**, Mayor, Paxico \* **Joan Wagnon**, Mayor, Topeka \* **Glen Welden**, City Manager, Parsons \* **Ed Wiltse**, Councilmember, Ulysses \* **Executive Director:** Christopher K. McKenzie

*Senate Agriculture*  
*2-19-99*  
*Attachment 1*



## Kansas Farm Bureau

2627 KFB Plaza, P.O. Box 3500, Manhattan, Kansas 66505-8508 / (913) 587-6000

February 19, 1999

Senator Steve Morris  
Statehouse, 143-N  
Topeka, Kansas

Dear Senator Morris:

The Board of Directors of Kansas Farm Bureau reviewed a number of legislative proposals at their meeting on February 15 and 16, 1999.

It was determined KFB is in support of SB 287 concerning the Chief Engineer of the Division of Water Resources at the Kansas Department of Agriculture. The proposal brings the Secretary into the process and establishes a uniform procedure for developing rules and regulations in the Division. We believe agency action should be based upon statutes and regulations, rather than the use of agency policy and guidelines formulated without public participation.

The farm and ranch members of KFB have adopted policy that states:

***"The Chief Engineer, Division of Water Resources of the Kansas Department of Agriculture should continue to have water appropriation responsibilities in the State."***

We believe SB 287 will bring about the coordination in the Department that, in the long run, will protect and keep this important function of water appropriation as a responsibility of the agency.

We continue to have the highest respect for the professionalism, honesty and integrity of Chief Engineer, David Pope.

We appreciate this opportunity to express our support of SB 287.

Sincerely,

Bill R. Fuller, Associate Director  
Public Affairs Division  
Kansas Farm Bureau



*Senate Agriculture*  
*2-19-99*  
*Attachment 2*

# SENATE BILL No. 281

By Committee on Agriculture

2-10

9 AN ACT concerning liens; providing liens on crops.

10

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

12 Section 1. A person, including a firm or corporation, who shall con-  
13 tract or agree with another to:

14 (a) Furnish seed to be sown or planted shall have a lien upon all crops  
15 produced from the seed furnished to secure the payment of the purchase  
16 price of the seed.

17 (b) (1) furnish any fertilizer, soil conditioner or agricultural chemical;

18 ~~or~~ furnish machinery and equipment for the application of such products;

19 ~~or~~ to perform work or labor in the application of such products shall

(2)

20 have a lien for the agreed charges, or in the absence of an agreement, for  
21 the reasonable charges and costs of satisfying such lien, upon the crops  
22 produced within one year upon the land where such product was applied,  
23 the machinery or equipment for application was used, or the work or  
24 labor of application was performed, and upon the proceeds from the sale  
25 of the crops; and

to the individual

26 (c) furnish machinery or equipment ~~for the purpose of~~ planting, cul-  
27 tivating, growing, producing, harvesting, drying and storing crops or crop  
28 products shall have a lien upon all crops or crop products produced with  
29 such machinery or equipment to secure the payment of the purchase or  
30 lease price of such machinery or equipment.

secretary of state

31 Sec. 2. Any lien under section 1, and amendments thereto, shall be  
32 perfected by filing a notice of lien with the ~~county clerk of the county~~  
33 ~~where the land is located upon which the crops are growing or are to be~~  
34 ~~planted.~~ The notice of lien shall state:

35 (a) The name and address and the ~~social security number or federal~~

36 ~~tax identification number, if known,~~ of the person to whom any seed,

37 product, machinery or equipment was furnished or for whom work or

38 labor was done; (b) the name and address ~~and the social security number~~

39 ~~or federal tax identification number~~ of the person claiming the lien; (c)

40 the last date upon which such seed, product, machinery or equipment

41 was furnished or work or labor done under the contract; (d) the amount

42 due for the seed, product, machinery or equipment furnished or work or

43 labor done; (e) for a lien under subsection (a) of section 1, and amend-

*Senate Agriculture  
2-19-99  
Attachment 3*

1 ments thereto, the contract price or reasonable value of the seed, the type  
 2 and amount of seed, and the date of the delivery of the seed; and (f) the  
 3 legal description of the land upon which the crops are growing or are to  
 4 be planted. ~~The failure to include the social security number or federal~~  
 5 ~~tax identification number shall not render any filing unperfected.~~ At the  
 6 time the lien is filed, the lienholder shall send a copy to the person to  
 7 whom the seed, product, machinery or equipment was furnished or for  
 8 whom the work or labor was done. The fee for filing, amending or re-  
 9 leasing such lien shall be the same as set forth in K.S.A. 84-9-403, and  
 10 amendments thereto.

at least 60 days after but within 180

11 Sec. 3 In order to be valid against subsequent lienholders, any lien  
 12 under section 1, and amendments thereto, shall be filed ~~within~~ 20 days  
 13 of the last date upon which the seed product, machinery or equipment  
 14 was furnished, or work or labor was performed, under the contract, but  
 15 in no event shall it have priority over prior lienholders unless prior lien-  
 16 holders have agreed to the contract in writing. Such lien shall attach as  
 17 of the date of filing and may be foreclosed in the manner and form pro-  
 18 vided for the foreclosure of secured transactions as provided in article 9,  
 19 ~~Uniform Commercial Code~~

of chapter 84 of the Kansas Statutes  
 Annotated

20 Sec. 4 When a lien provided by section 1, and amendments thereto,  
 21 is satisfied, the lienholder shall file in the office where the lien is filed a  
 22 termination statement to the effect that the lienholder no longer claims  
 23 an interest under the lien which shall be identified by file number. A  
 24 termination statement signed by a person other than the lienholder of  
 25 record shall be accompanied by a separate written statement of assign-  
 26 ment signed by the lienholder of record complying with subsection (2) of  
 27 K.S.A. 84-9-405, and amendments thereto, including payment of the re-  
 28 quired fee. If the affected lienholder fails to file such a termination state-  
 29 ment within 30 days after such lienholder no longer claims an interest,  
 30 such lienholder shall be liable to the person to whom the seed, product,  
 31 machinery or equipment was furnished or for whom the work or labor  
 32 was done ~~for any losses caused to such person by such failure and for~~  
 33 reasonable attorney fees and court costs.

for \$500 or

34 On presentation to the filing officer of such a termination statement,  
 35 the filing officer shall note such termination statement in the index. If  
 36 the filing officer has received the termination statement in duplicate, the  
 37 filing officer shall return one copy of the termination statement to the  
 38 lienholder stamped to show the time of receipt.

If a lienholder ceases to do business and has failed to file a termination statement within 30 days after such lienholder no longer claims an interest, the person to whom the seed product, machinery or equipment was furnished or for whom work or labor was done, may file a correction statement with the secretary of state. There shall be no fee for the filing of such correction statement.

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