

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman John Faber at 3:30 P.M. on February 20, 2007, in Room 241-N of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Emalene Correll, Kansas Legislative Research Department
Jason Thompson, Revisor of Statutes
Florence Deeter, Committee Assistant

Conferees appearing before the committee:

Woody Moses, Managing Director, Kansas Aggregate Producers' Association and Kansas Ready Mixed Concrete Association
Paul Graves, Kansas Department of Water Resources

Others attending:

See attached list.

The Chairman introduced Woody Moses, Managing Director, Kansas Aggregate Producers' Association and Kansas Ready Mixed Concrete Association, who presented a report on **HB 2353 - exempting unconsolidated material storage stockpiles or safety berms from regulatory oversight**. He said that an agreement between the Kansas Division of Water Resources and the Kansas Department of Agriculture was reached in order to be in compliance with federal regulations (Attachment 1).

Paul Graves, Kansas Department of Water Resources, offered comments affirming the agreement reached between the Aggregate Producers' Association and Division of Water Resources with respect to certain levees and fills.

Representative Knox made a motion for the Chairman of the Agriculture and Natural Resources Committee to send a letter to the Department of Agriculture in reference to the stated agreement. Representative Moxley seconded the motion. The motion passed.

The Chairman opened discussion on **HB 2437 - nonresident deer permits, extending the current sunset provision**. Representative Powell made a motion and Representative Aurand seconded to amend HB 2437 by adding the balloon (page 4) to read "a landowner or tenant may be issued one permit per each 640 acre section of land owned or controlled"(Attachment 2). Following discussion for clarification of the acreage amount, the motion to second was withdrawn. Representative Powell restated the motion to read, "the landowner or tenant may be issued one permit for 80 acres up to 640 acres; one permit for each 640 acres thereafter." Representative Aurand seconded the motion. The motion to amend failed.

Representative Aurand moved and Representative Svaty seconded to pass favorably HB 2437. Representative Grange motioned to amend the bill by changing the sunset to 2008. Representative Moxley seconded the motion. The amendment passed. Representative Knox moved to pass favorably, as amended, HB 2437. Representative Palmer seconded the motion. The motion carried.

The Chairman opened discussion on **HB 2391 - amending grain commodity commission provisions concerning assessments and refunds**. Representative Powell made a motion to amend HB 2391 to allow another member to be appointed to the commission; Representative Grange seconded the motion (Attachment 3). Following discussion and comments by several members, a substitute motion was made by Representative Knox and seconded by Representative Williams to table the bill. The motion to table passed.

The Chairman opened discussion on **HB 2487 - regulation of ammonium nitrate dealers**. Jason Thompson, Revisor of Statutes' Office, submitted a technical amendment (Attachment 4) to a new section, "(g) the provisions of this section are part of and supplemental to article 12 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto." Representative Powell moved the amendment; Representative Gatewood seconded the motion. The motion carried. Representative Powell moved HB 2487 be passed

CONTINUATION SHEET

MINUTES OF THE House Agriculture and Natural Resources Committee at 3:30 P.M. on February 20, 2007, in Room 241-N of the Capitol.

favorably as amended; second, Representative Moxley. The motion carried.

The Chairman opened discussion on **HB 2438 - amending food service establishment licensure exception for occasional sale of food**. Representative Powell moved and Representative Wolf seconded the bill. Following committee discussion and comments, the motion failed.

The Chairman opened discussion on **HB 2147 - farm and ranch land protection program and voluntary emissions compensation program**. Representative Knox made a motion to amend HB 2147; Representative Svaty seconded the motion to “limit the bill to property in close proximity to a federal or state military facility of more than 100 acres.” (see Section 2.) Additional wording of the amendment deletes “property subject to unfilled contracts for development of wind energy”; deletes “fiscal years 2008 and 2009 from the commission’s involvement in issuing applications”; (see Section 5), adds the words, “except for utility or roadway purposes”, (see Section 7), regarding a city’s use of eminent domain for acquisition of land placed in a conservation easement program (Attachment 5).

Representative Aurand requested the issues be divided. Chairman Faber agreed and clarified for the committee the divisions to be considered: part “a” includes Section 9; part “b” includes Section 8; part “c” includes the remainder of ballooned wording in the amendment. After discussion, part “a” of the motion to adopt carried; part “b” of the motion to adopt failed; part “c” of the motion to adopt failed.

Jason Thompson, Office of Revisor, brought a technical amendment to **HB 2147** (Attachment 6). Representative Svaty made a motion to amend; Representative Moxley seconded the motion. The motion carried.

Representative Moxley made a motion to insert “owner of land at the time of conversion.” Representative Flora seconded the motion.

Representative Knox made a substitute motion to table HB 2147, Representative Svaty seconded the substitute motion. The motion to table the bill carried.

The meeting adjourned at 4:55 p.m. The next meeting is scheduled for February 28, 2007.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: February 20, 2007

NAME	REPRESENTING
Russell Hawkins	KWC
Don Healy	Kansas Farmers/Seedman
Cindy Falk	Ks Wheat
Paul Graves	KDA
Matt Scherer	KDA
Wendy Morkins	KAPA
Wendy Morkins	KAPA
Aaron Harries	KS Wheat
Woody News	KAPA
Wendy Harms	KAPA
Tom Thompson	Sierra Club
Justin Jantz	KHWB
Mark Gaede	NAWG
Dana Peterson	Ks Assoc of Wheat Growers
Leslie Kaufman	Ks Coop Council
Jere White	KCGA
Ron Sussas	KWC
Mary Ann Stankiewicz	KGFA
Alexandra	SIERRA CLUB

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: February 20, 2007

NAME	REPRESENTING
Luke Bell	Ks Assoc. of REALTORS
Amy Thornton	KDWP
Kenton Johannes	Kansas Soybean Association
BRAD HARRELSON	KFB

**Proposed Alternative to HB 2353
Unconsolidated Material Storage Stockpiles and Safety Berms in Floodplains**

Kansas Department of Agriculture
Division of Water Resources
February 20, 2007

General approach:

The Kansas Department of Agriculture's division of water resources has an important role in coordinating, overseeing and supporting local units of government that participate in the National Flood Insurance Program. Many local units of government rely on our technical reviews of proposed floodplain fill.

Our approval process for floodplain fill ensures that: (a) areas that do not participate in the National Flood Insurance Program receive adequate flood protection; (b) businesses and other entities in nonparticipating communities do not have an unfair advantage over those in participating communities; (c) cumulative effects and cross-jurisdictional effects of floodplain fill are considered.

To accomplish these roles in a manner that does not present undue cost or lost work time for industry and other entities, we propose to amend existing regulations to specifically limit the application requirements as detailed below. **This can be achieved without any change to the existing statute, K.S.A. 24-126.**

Proposed regulatory amendments:

Define "unconsolidated material": (a) soil meeting the definition of "sand" or "gravel" in the Unified Soil Classification System, which is not cemented together or coated with another substance, and which is not stabilized with vegetative cover; or (b) nonsoil matter consisting of discrete units that are not fastened or cemented together and not anchored to the ground.

Stockpiles predating statute or floodplain maps: The chief engineer's approval is not required if acceptable evidence is provided to demonstrate that a stockpile existed prior to K.S.A. 24-126 (1929), or if a stockpile existed and its effects were taken into account when the most recent floodplain map (if any) was prepared for the area. Acceptable evidence would include dated aerial photographs and topographic maps, a copy of relevant pages from FEMA's floodplain study for the area, or comparable documents. Spoil piles (chat) from lead, zinc and coal mines would assume to predate the statute and/or the most recent floodplain maps, unless evidence to the contrary is provided or otherwise available to the chief engineer.

Existing stockpiles at sand and gravel mining sites: The chief engineer's approval is not required for stockpiles in place prior to January 1, 2006 at sand and gravel mining sites which obtained a water appropriation permit for groundwater pits; however, the chief engineer may condition those permits to require approval for floodplain fill when changes in the size or location of stockpiles are proposed, ~~or as a prerequisite for renewal of a term permit for hydraulic dredging.~~ Such stockpiles must not obstruct normal streamflow, redirect flow, block culverts or drainage channels, or cause other hydraulic problems.

Temporary stockpiles: The chief engineer's approval is not required for a stockpile located in floodway fringe, mapped floodplain where a floodway is not defined, or unmapped floodplain along a stream when the stockpile will be present for less than 270 calendar days, and if the stockpile does not obstruct normal streamflow, redirect flow, block culverts or drainage channels, or cause other hydraulic problems, provided the site of the temporary stockpile is restored to its original condition within 90 days after the temporary stockpile is removed.

Stockpiles in floodways that exist only in communities that participate in the National Flood Insurance Program: This would entail filing a one-page application form with a fee, and would require enclosing a copy of only those documents that are required for local government approval of floodplain fill (including a no-rise certificate and its supporting computations). *The state application will not require any engineering or surveying beyond what is required to meet the minimum requirements under the National Flood Insurance Program for the local government's approval of the proposed floodplain fill.*

Stockpiles in floodway fringe, mapped floodplains where a floodway is not defined, and unmapped floodplains along streams: File a one-page application form with fee, map or aerial photograph showing location and extents of the proposed floodplain fill, and basic geometric analysis (procedure to be provided by the division of water resources) showing whether the proposed fill would cause less than 1-foot rise in floodwaters. *This will not require the services of a professional engineer or licensed land surveyor.*

Safety berms required by Mine Safety and Health Administration: The chief engineer's approval is not required if: (a) the top of berm will be at least 6 inches below the elevation of the 100-year-flood peak stage; or (b) the berm will contain, at a minimum, gaps narrower than the smallest vehicular equipment and spaced at 100-foot intervals, thereby allowing floodwaters to breach the berm during a flood. Safety berms not meeting one of these minimum standards would require approval similar to stockpiles.

Project application form: The division of water resources will develop a joint application form for aggregate mining operations to include the application for the permanent permit to appropriate water, the initial term permit (when required), the dredging permit under K.S.A. 82a-301 through 305a (when required), and the floodplain fill permit under K.S.A. 24-126. From that single application form, applications for permits and approvals required under each statute will be evaluated.

Post-it® Fax Note	7671	Date	2-20-07	# of pages	2
To	Kerry	From	Paul Graves		
Co./Dept.	KAPA	Co.	KDA-DWR		
Phone #	235-1188	Phone #	296-2683		
Fax #	235-2544	Fax #	296-1176		

HOUSE BILL No. 2437

By Committee on Agriculture and Natural Resources

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Rep. Powell Amendments

9 AN ACT concerning big game permits; relating to nonresident deer per-
10 mits; amending K.S.A. 2006 Supp. 32-937 and repealing the existing
11 section.
12

relating to special landowner
or tenant hunt-on-your-own-land
deer or antelope permits;

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

14 Section 1. K.S.A. 2006 Supp. 32-937 is hereby amended to read as
15 follows: 32-937. (a) When used in this section:

16 (1) "Landowner" means a resident owner of farm or ranch land of
17 80 acres or more located in the state of Kansas.

18 (2) "Tenant" means an individual who is actively engaged in the ag-
19 ricultural operation of 80 acres or more of Kansas farm or ranch land for
20 the purpose of producing agricultural commodities or livestock and who:

21 (A) Has a substantial financial investment in the production of agricultural
22 commodities or livestock on such farm or ranch land and the potential to
23 realize substantial financial benefit from such production; or (B) is a bona
24 fide manager having an overall responsibility to direct, supervise and con-
25 duct such agricultural operation and has the potential to realize substan-
26 tial benefit from such production in the form of salary, shares of such
27 production or some other economic incentive based upon such
28 production.

29 (3) "Regular season" means a statewide big game hunting season au-
30 thorized annually which may include one or more seasons restricted to
31 specific types of equipment.

32 (4) "Special season" means a big game hunting season in addition to
33 a regular season authorized on an irregular basis or at different times of
34 the year other than the regular season.

35 (5) "General permit" means a big game hunting permit available to
36 Kansas residents not applying for big game permits as a landowner or
37 tenant.

38 (6) "Nonresident landowner" means a nonresident of the state of
39 Kansas who owns farm or ranch land of 80 acres or more which is located
40 in the state of Kansas.

41 (7) "Nonresident permit" means a big game hunting permit available
42 to individuals who are not Kansas residents.

43 (b) Except as otherwise provided by law or rules and regulations of

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1 the secretary and in addition to any other license, permit or stamp re-
2 quired by law or rules and regulations of the secretary, a valid big game
3 permit and game tags are required to take any big game in this state.

4 (c) The fee for big game permits and game tags shall be the amount
5 prescribed pursuant to K.S.A. 32-988, and amendments thereto.

6 (d) A big game permit and game tags are valid throughout the state
7 or such portion thereof as provided by rules and regulations adopted by
8 the secretary in accordance with K.S.A. 32-805 and amendments thereto.

9 (e) Unless otherwise provided by law or rules and regulations of the
10 secretary, a big game permit and game tags are valid from the date of
11 issuance and shall expire at the end of the season for which issued.

12 (f) The secretary may adopt, in accordance with K.S.A. 32-805, and
13 amendments thereto, rules and regulations for each regular or special big
14 game hunting season and for each management unit regarding big game
15 permits and game tags. The secretary is hereby authorized to issue big
16 game permits and game tags pertaining to the taking of big game. Sep-
17 arate big game permits and game tags may be issued for each species of
18 big game. No big game permits or game tags shall be issued until the
19 secretary has established, by rules and regulations adopted in accordance
20 with K.S.A. 32-805, and amendments thereto, a regular or special big
21 game hunting season.

22 (g) The secretary may authorize, by rule and regulation adopted in
23 accordance with K.S.A. 32-805, and amendments thereto, landowner or
24 tenant hunt-on-your-own-land big game permits. Such permits and ap-
25 plications may contain provisions and restrictions as prescribed by rule
26 and regulation adopted by the secretary in accordance with K.S.A. 32-
27 805, and amendments thereto.

28 (h) The secretary may authorize, by rule and regulation adopted in
29 accordance with K.S.A. 32-805 and amendments thereto, special land-
30 owner or tenant hunt-on-your-own-land deer permits. Such special per-
31 mits shall not be issued to landowners or tenants in possession of a hunt-
32 on-your-own-land deer permit as authorized in subsection (g). The special
33 permits shall be transferable to any immediate family member of the
34 landowner or tenant, whether or not a Kansas resident, or the permit may
35 be retained for use by the landowner or tenant. The special permits shall
36 be transferable through the secretary at the request of the landowner or
37 tenant and by paying the required fee for a general deer permit. The
38 special permits and applications may contain provisions and restrictions
39 as prescribed by rule and regulation adopted by the secretary in accord-
40 ance with K.S.A. 32-805 and amendments thereto. For the purposes of
41 this subsection, "member of the immediate family" means lineal or col-
42 lateral ascendants or descendants, and their spouses.

43 (i) Fifty percent of the big game permits authorized for a regular

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1 season in any management unit shall be issued to landowners or tenants,
2 provided that a limited number of big game permits have been authorized
3 and landowner or tenant hunt-on-your-own-land big game permits for
4 that unit have not been authorized. A landowner or tenant is not eligible
5 to apply for a big game permit as a landowner or as a tenant in a man-
6 agement unit other than the unit or units which includes such landowner's
7 or tenant's land. Any big game permits not issued to landowners or ten-
8 ants within the time period prescribed by rule and regulation may be
9 issued without regard to the 50% limitation.

10 (j) Members of the immediate family who are domiciled with a land-
11 owner or tenant may apply for a resident big game permit as a landowner
12 or as a tenant, but the total number of landowner or tenant hunt-on-your-
13 own-land or special hunt-on-your-own-land permits issued to a landowner
14 or tenant and a landowner's or tenant's immediate family for each big
15 game species shall not exceed one permit for each 80 acres owned by
16 such landowner or operated by such tenant. The secretary may require
17 proof of ownership or tenancy from individuals applying for a big game
18 permit as a landowner or as a tenant.

19 (k) The secretary may issue permits for deer to nonresident land-
20 owners, but any such permit shall be restricted to hunting only on lands
21 owned by the nonresident landowner.

22 (l) The secretary may issue deer hunting permits to nonresidents,
23 subject to the following limitations:

24 (1) The total number of nonresident deer firearm permits of each
25 type specified by rules and regulations that may be issued for a deer
26 season in a management unit and which may be used to take antlered
27 deer shall for the year 2004, not be less than 7% nor more than 14%; for
28 the year 2005, not be less than 8% nor more than 16%; for the year 2006,
29 not be less than 9% nor more than 18%; and for any year thereafter, not
30 be less than 10% nor more than 20%, of the total number of resident
31 deer firearm permits of such type authorized for such season in such
32 management unit; and

33 (2) the total number of nonresident deer archery permits of each type
34 specified by rules and regulations that may be issued for a deer season in
35 a management unit and which may be used to take antlered deer shall
36 for the year 2004, not be less than 9.5% nor more than 19%; for the year
37 2005, not be less than 10.5% nor more than 21%; for the year 2006, not
38 be less than 11.5% nor more than 23%; and for any year thereafter, not
39 be less than 12.5% nor more than 25%, of the total number of resident
40 deer archery permits of such type authorized for such season in such
41 management unit.

42 Nonresident deer permits may be restricted to a particular deer species
43 without regard to resident deer permit species restrictions, or lack

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1 thereof.

2 If an unlimited number of resident deer permits that may be used to
3 take antlered deer is authorized for a deer season or management unit,
4 the percentage limitations of subsections (l)(1) and (l)(2) shall be based
5 upon the total number of resident firearm permits that may be used to
6 take antlered deer and the total number of archery permits that may be
7 used to take antlered deer, respectively, issued in the management unit
8 during the most recent preceding similar season. If in a management unit
9 there are an unlimited number of resident permits that may be used to
10 take only antlerless deer, the secretary, in the secretary's discretion and
11 in accordance with rules and regulations, may authorize the issuance of
12 an unlimited number of nonresident permits that may be used to take
13 only antlerless deer.

14 (m) Any nonresident deer hunting permits authorized under subsection
15 (l) that remain unissued due to an insufficient number of nonresident
16 applications as of a deadline determined by the secretary, shall be made
17 available to residents.

18 (n) The secretary shall issue nonresident deer permits pursuant to
19 subsection (l) to landowners and tenants applying for such permits, except
20 that the total number of nonresident deer permits of each type specified
21 by rules and regulations that may be issued to landowners and tenants
22 for a deer season in a management unit shall not exceed 50% of the total
23 number of nonresident deer permits of such a type authorized for such
24 season in such management unit. A nonresident deer permit obtained by
25 a landowner or tenant shall retain the permit's nonresident and species
26 designation, except that such permit shall only be valid within a designated
27 county and one additional county where the qualifying landowner's
28 or tenant's lands are located. The permit shall be transferable, with or
29 without consideration, to any resident or nonresident through the secretary
30 at the request of the landowner or tenant. A landowner or tenant
31 purchasing a nonresident deer permit pursuant to this subsection shall
32 pay the established fee for a nonresident deer permit.

33 The provisions of this subsection shall expire on June 30, ~~2007~~ 2011.

34 (o) On or before January 31, 2005:

35 (1) The secretary, by rules and regulations adopted in accordance
36 with K.S.A. 32-805, and amendments thereto, shall establish not less than
37 nine archery management units for deer. To the extent possible, boundaries
38 of firearm management units for deer shall be used in establishing
39 the boundaries of such archery management units.

40 (2) The secretary shall submit to the house standing committee on
41 tourism and parks and the senate standing committee on natural resources
42 a report regarding the archery management units established pursuant to
43 subsection (o)(1).

(o) The secretary shall authorize, by rule and regulation adopted in accordance with K.S.A. 32-805, and amendments thereto, special landowner or tenant hunt-on-your-own-land deer or antelope permits.

Such special permits shall be transferable, with or without consideration, to any person, whether or not a Kansas resident, through the secretary at the request of the landowner or tenant, or the permit may be retained for use by the landowner or tenant.

A landowner or tenant may be issued one permit per each 640 acre section of land owned or controlled.

The special permits and applications may contain provisions and restrictions consistent with this subsection as prescribed by rule and regulation adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto.

For the purposes of this subsection, "tenant" does not include an outfitter or similar business entity leasing or controlling land.

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1 (p) A big game permit shall state the species, number and sex of the
2 big game which may be killed by the permittee. The secretary may furnish
3 an informational card with any big game permit and, at the conclusion of
4 the open season, each permittee receiving such card shall return the card
5 to the department, giving such information as is called for on the card.

6 (q) The permittee shall permanently affix the game tag to the carcass
7 of any big game immediately after killing and thereafter, if required by
8 rules and regulations, the permittee shall immediately take such killed
9 game to a check station as required in the rules and regulations, where a
10 check station tag shall be affixed to the game carcass if the kill is legal.
11 The tags shall remain affixed until the carcass is consumed or processed
12 for storage.

13 (r) The provisions of this section do not apply to big game animals
14 sold in surplus property disposal sales of department exhibit herds or big
15 game animals legally taken outside this state.

16 Sec. 2. K.S.A. 2006 Supp. 32-937 is hereby repealed.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the statute book.

32-988. Fees. (a) The secretary is authorized to adopt, in accordance with K.S.A. 32-805 and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations:

Big game permits

- Resident (other than elk permit): maximum \$100
- Nonresident (other than elk permit): maximum \$400
- Elk permit: maximum \$350
- Resident big game tag: maximum \$20
- Nonresident big game tag: maximum \$30
- Nonresident applications: maximum \$25

Combination hunting and fishing licenses

- Resident: maximum \$50
- Lifetime: maximum \$1,000; or 8 quarterly payments, each maximum \$150
- Nonresident: maximum \$200

Commercial dog training permits: maximum \$25

Commercial guide permit or associate guide permit

- Resident: maximum \$250
- Nonresident: maximum \$1,000

Commercial harvest or dealer permits: maximum \$200

Commercial prairie rattlesnake harvesting permits

- Resident or nonresident with valid hunting license: maximum \$5
- Resident or nonresident nonfirearm without valid hunting license: maximum \$20

Controlled shooting area operator license: maximum \$400

Duplicate licenses, permits, stamps and other issues of the department: maximum \$10

Falconry

- Permits: maximum \$300
- Examinations: maximum \$100

Field trial permits: maximum \$25

Fishing licenses

- Resident: maximum \$25
- Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- Nonresident: maximum \$75
- Five-day nonresident: maximum \$25
- Institutional group: maximum \$200
- Special nonprofit group: maximum \$200
- Twenty-four-hour: maximum \$10

Fur dealer licenses

- Resident: maximum \$200
- Nonresident: maximum \$400

Furharvester licenses

- Resident: maximum \$25
- Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- Nonresident: maximum \$400

Game breeder permits: maximum \$15

Handicapped hunting and fishing permits: maximum \$5

Hound trainer-breeder running permits: maximum \$25

Hunting licenses

- Resident: maximum \$25
- Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
- Nonresident 16 or more years of age: maximum \$125
- Nonresident under 16 years of age: maximum \$75
- Controlled shooting area: maximum \$25

Forty-eight-hour waterfowl permits: maximum \$25
Migratory waterfowl habitat stamps: maximum \$8
Mussel fishing licenses
 Resident: maximum \$200
 Nonresident: maximum \$1,500
Rabbit permits
 Live trapping: maximum \$200
 Shipping: maximum \$400
Raptor propagation permits: maximum \$100
Rehabilitation permits: maximum \$50
Scientific, educational or exhibition permits: maximum \$10
Wildlife damage control permits: maximum \$10
Wildlife importation permits: maximum \$10
Wild turkey permits
 Resident: maximum \$100
 Nonresident: maximum \$400
 Resident turkey tag: maximum \$20
 Nonresident turkey tag: maximum \$30
Special permits under K.S.A. 32-961: maximum \$100
Miscellaneous fees
 Special events on department land or water: maximum \$200
 Special departmental services, materials or supplies: no maximum
 Other issues of department: no maximum
 Vendor bond: no maximum

(b) The fee for a landowner-tenant resident big game or wild turkey hunting permit shall be an amount equal to 1/2 the fee for a general resident big game or wild turkey hunting permit.

(c) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to 1/2 the fee for a resident furharvester license.

(d) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 32-805 and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).

History: L. 1978, ch. 152, § 14; L. 1981, ch. 174, § 2; L. 1982, ch. 175, § 9; L. 1985, ch. 131, § 3; L. 1985, ch. 134, § 3; L. 1986, ch. 149, § 4; L. 1986, ch. 151, § 1; L. 1987, ch. 144, § 1; L. 1989, ch. 119, § 1; L. 1989, ch. 118, § 105; L. 1989, ch. 274, § 2; L. 1990, ch. 141, § 2; L. 1990, ch. 139, § 2; L. 1993, ch. 139, § 2; L. 1994, ch. 245, § 2; L. 1995, ch. 164, § 4; L. 1999, ch. 98, § 2; L. 1999, ch. 149, § 3; L. 2000, ch. 165, § 4; L. 2001, ch. 17, § 2; L. 2001, ch. 211, § 9; L. 2003, ch. 121, § 2; L. 2004, ch. 99, § 8; Jan. 1, 2005.

HOUSE BILL No. 2391

By Committee on Agriculture and Natural Resources

Representative Powell Amendments

2-5

9 AN ACT concerning grain commodity commissions; relating to assess-
10 ments and refunds; amending K.S.A. 2006 Supp. 2-3007 and repealing
11 the existing ~~section~~.

relating to membership;

2-3002 and

sections

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

See Attachment

14 Section 1. K.S.A. 2006 Supp. 2-3007 is hereby amended to read as
15 follows: 2-3007. (a) There is hereby levied an assessment upon grain sorghum
16 marketed through commercial channels in the state of Kansas. The
17 grain sorghum commission shall set the assessment at a rate of not more
18 than ~~five mills per bushel~~ 0.6 of 1% of the net market price received by
19 the grower. There is hereby levied an assessment upon corn marketed
20 through commercial channels in the state of Kansas. The corn commission
21 shall set the assessment at a rate of not more than five mills per bushel.
22 There is hereby levied an assessment upon soybeans marketed through
23 commercial channels in the state of Kansas. The soybean commission
24 shall set the assessment at a rate of not more than ~~20 mills per bushel~~ 0.5
25 of 1% of the net market price received by the grower. There is hereby
26 levied an assessment upon wheat marketed through commercial channels
27 in the state of Kansas. The wheat commission shall set the assessment at
28 a rate of not more than ~~10~~ 20 mills per bushel. There is hereby levied an
29 assessment upon sunflowers marketed through commercial channels in
30 the state of Kansas. The sunflower commission shall set the assessment
31 at a rate of not more than seven and one-half mills per bushel (\$0.03 per
32 cwt). Any commission shall not change the assessment rate, either to
33 increase or reduce, more than once a year. Such assessment shall be levied
34 and assessed to the grower at the time of sale, and shall be shown as a
35 deduction by the first purchaser from the price paid in settlement to the
36 grower. Under the provisions of this act, no corn, grain sorghum, soy-
37 beans, wheat or sunflowers shall be subject to the assessment more than
38 once. The commission shall furnish to every first purchaser receipt forms
39 which shall be issued by such first purchaser to the grower upon the
40 payment of such assessment. The form shall indicate thereon the pro-
41 cedure by which the grower may obtain a refund of any such assessment,
42 except a refund shall not be issued unless the amount of the refund is \$5
43 or more. Within ~~one year~~ 90 days after any and all sales during such

And renumber the remaining sections

z2391c

HS AGRICULTURE AND NATURAL
RESOURCES COMMITTEE
2-20-2007
ATTACHMENT 3

2-2

1 period the grower may upon submission of a request therefor to the
2 commission, obtain a refund in the amount of the assessments deducted
3 by the first purchaser. Such request shall be accompanied by evidence of
4 the payment of the assessments which need not be verified.

5 (b) The commission shall keep complete records of all refunds made
6 under the provisions of this section. Records of refunds may be destroyed
7 two years after the refund is made. All funds expended by the commission
8 in the administration of this act and for the payment of all claims growing
9 out of the performance of any duties or activities pursuant to this act shall
10 be paid from the proceeds derived from such assessment. In the case of
11 a lien holder who is a first purchaser as defined in this act, the assessment
12 shall be deducted by the lien holder from the proceeds of the claim
13 secured by such lien at the time the corn, grain sorghum, soybeans, wheat
14 or sunflowers are pledged or mortgaged. The assessment shall constitute
15 a preferred lien and shall have priority over all other liens and encum-
16 brances upon such corn, grain sorghum, soybeans, wheat or sunflowers.
17 The assessment shall be deducted and paid as provided in this section
18 whether such corn, grain sorghum, soybeans, wheat or sunflowers are
19 stored in this or any other state.

20 (c) Any corn, grain sorghum, soybean, wheat or sunflowers acquired
21 by a grower as defined in K.S.A. 2-3001, and amendments thereto, under
22 the provisions of any federal program shall be subject to the provisions
23 of this section.

24 (d) No assessments for soybeans shall be collected pursuant to sub-
25 section (a) while the national checkoff program for soybeans, established
26 pursuant to public law 101-624, remains in effect. Collection of assess-
27 ments pursuant to subsection (a) shall be reinstated upon the withdrawal
28 of the national checkoff program for soybeans, established pursuant to
29 public law 101-624.

30 Sec. 2. K.S.A. 2006 Supp. 2-3007 is hereby repealed.

2-3002 and

are

31 Sec. 3. This act shall take effect and be in force from and after its
32 publication in the statute book.

2-3

Section 1. K.S.A. 2006 Supp. 2-3002 is hereby amended to read as follows: 2-3002.

(a) There are hereby created five separate and distinct commissions which shall be known as the Kansas corn commission, the Kansas grain sorghum commission, the Kansas soybean commission, the Kansas wheat commission and the Kansas sunflower commission. Each commission will have members elected through an election process as provided in subsection (b) to serve three-year terms, with the exception of transition commissioners, serving from the effective date of this act until elections occur in 2002, 2003 and 2004, to represent a district or districts identified in subsection (b) with the following requirements:

(1) Any person meeting the requirements of K.S.A. 2-3003, and amendments thereto, of that commodity may seek election as a commissioner to that commodity's respective commission representing the district of such person's official residence. Only a grower of each specific commodity shall be a member of that specific commission;

(2) no commission shall have less than seven commissioners representing the nine crop reporting districts identified in subsection (h). If a commission has less than nine elected commissioners representing crop reporting districts, any commissioner representing multiple crop reporting districts may only represent commission districts equal to whole and adjoining crop reporting districts that are within the same election cycle; and

(3) each commission may, by majority approval of the commissions, appoint two additional at-large commissioners for added representation for producers due to geographical, cropping pattern or other reasonable commodity-specific needs. ~~At-large~~ each ~~commissioners will~~ shall serve a term ~~terminated~~ terminated by the commodity commission not to exceed three-year terms of appointment, be a

2-4
Kansas resident and must meet the definition
a grower, as defined in K.S.A. 2006 Supp.
2-3001, and amendments thereto; and

(4) each commission may, by majority approval of the commissions, appoint one additional at-large commissioner for added representation for first purchasers. Such commissioner shall serve a three-year term of appointment, be a Kansas resident and must meet the definition of a first purchaser, as defined in K.S.A. 2006 Supp. 2-3001, and amendments thereto. The initial term for each such commissioner shall begin on April 1, 2008.

(b) (1) Prior to the first election as provided by this act, each commodity commission shall notify all growers of its respective commodity of the commission election and all appropriate election procedures.

(2) Any grower of corn, grain sorghum, soybeans, wheat or sunflowers who is a resident of this state, of legal voting age and has been actively engaged in growing corn, grain sorghum, soybeans, wheat or sunflowers within the preceding three years shall become an eligible voter upon registering to vote in a commission election. Registration shall be on a single form allowing registration to any or all commission elections. Forms shall be provided by the commissions and made available at all county extension offices, county conservation district offices and through the office of the secretary. Any grower also shall become registered by signing a petition for a candidate to be placed on the election ballot, upon the filing of such petition. Candidate petition forms shall be provided by the office of the secretary. Registration by internet or other means shall also be allowed upon the approval of the secretary. No grower shall cast more than one ballot for any commission election.

(3) Any person meeting the

qualifications to serve as a commissioner may appear on the election ballot for their respective commission district by submitting a petition to be placed on the ballot on or before November 30 in the year immediately preceding the election. The petition shall contain the signatures of 20 eligible voters of that commodity commission election to be a valid petition. However, no more than five petition signatures shall be used to qualify any candidate from any one county.

(4) Commission election ballots shall be mailed to eligible voters by January 15 and shall be returned to the election officer, as provided through the common election procedure required in subsection (e), on or before March 1 in the year of any election. Successful candidates in any election will have received the highest number of the votes cast. Election results will be announced as soon as the election has been determined with successful candidates taking office with terms effective April 1 in the year of the election.

(5) On and after July 1, 2002, any interested person or entity in the agriculture industry, with emphasis on growers of sunflowers, may submit names to the governor for appointment to the Kansas sunflower commission. On or after September 1, 2002, the governor shall appoint nine members to the Kansas sunflower commission from among the names submitted to the governor, if possible, to represent each of the crop reporting districts as provided in this section. The terms of the members appointed by the governor shall be the same as provided in subsection (d) and the same election provisions as provided in this section applicable to the other commissions shall apply to such appointed members, except that the members appointed to represent districts IV, V and VI shall not stand for election in 2002 but rather shall have their initial term of office to run until the

2-5

election held for such districts in 2005. At
such time the same election provisions of
this section applicable to the other
commissions shall apply to such members.

(c) Upon the effective date of this act,
each commission created shall meet as soon as
feasible to organize, elect officers and
ratify the number of commissioners and
representative districts that commission
shall maintain. Commissioners currently
serving these commissions immediately prior
to the effective date of this act are
appointed to transition terms as follows: (1)
Commissioners whose terms expire in June,
2000, shall have their terms extended until
April, 2002; (2) commissioners whose terms
expire in June, 2001, shall have their terms
extended until April, 2003; and (3)
commissioners whose terms expire in June,
2003, shall have their terms extended until
April, 2004.

(d) Annual elections for up to three
commissioners representing districts shall
begin in January and February of 2002.
Commissioners elected shall take office April
1 of the year elected and serve a three-year
term. Elections will occur as follows and
continue on a three-year cycle thereafter:
(1) In districts IV, V and VI, the initial
election year shall be 2002; (2) in districts
I, II and III, the initial election year
shall be 2003; and (3) in districts VII, VIII
and IX, the initial election year shall be
2004.

(e) The five grain commissions, as
provided in this act shall maintain on file a
common election procedure with the secretary
of agriculture, who will serve as the final
arbitrator of any dispute regarding the
election procedure.

(f) Any grower who appropriately
registers to vote shall be able to do so in
an election for any commissioner representing
that commodity and district where the grower
maintains such grower's official residence.

2-6

(g) Any challenge to election results or the position of commodity commissioner representing a district shall be initially reviewed by a panel of commissioners, not standing for election that year, and representing all four grain commissions. If the challenge is not resolved before the panel of commissioners, the secretary shall serve as the final arbitrator of the challenge to the election results.

(h) Vacancies which may occur shall be filled for unexpired terms by appointment by the remaining commissioners.

(i) The dean of the college of agriculture of Kansas state university and the secretary of the Kansas department of agriculture shall be ex officio members, without the right to vote, of each such commission. Districts are the same as crop reporting districts established for Kansas by the U.S. department of agriculture national agricultural statistic service and are as follows:

(j) District I shall consist of the following counties: Cheyenne, Decatur, Graham, Norton, Rawlins, Sheridan, Sherman and Thomas.

District II shall consist of the following counties: Gove, Greeley, Lane, Logan, Ness, Scott, Trego, Wallace and Wichita.

District III shall consist of the following counties: Clark, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Meade, Morton, Seward, Stanton and Stevens.

District IV shall consist of the following counties: Clay, Cloud, Jewell, Mitchell, Osborne, Ottawa, Phillips, Republic, Rooks, Smith and Washington.

District V shall consist of the following counties: Barton, Dickinson, Ellis, Ellsworth, Lincoln, McPherson, Marion, Rice, Wash, Russell and Saline.

District VI shall consist of the

2-7

following counties: Barber, Comanche,
lwards, Harper, Harvey, Kingman, Kiowa,
awnee, Pratt, Reno, Sedgwick, Stafford and
Sumner.

District VII shall consist of the
following counties: Atchison, Brown,
Doniphan, Jackson, Jefferson, Leavenworth,
Marshall, Nemaha, Pottawatomie, Riley and
Wyandotte.

District VIII shall consist of the
following counties: Anderson, Chase, Coffey,
Douglas, Franklin, Geary, Johnson, Linn,
Lyon, Miami, Morris, Osage, Shawnee and
Wabaunsee.

District IX shall consist of the
following counties: Allen, Bourbon, Butler,
Chautauqua, Cherokee, Cowley, Crawford, Elk,
Greenwood, Labette, Montgomery, Neosho,
Wilson and Woodson.

(k) Meetings and any records of any
commission created by this act shall be open
to the public to the same extent as is
required by law of public boards and
commissions pursuant to the open records act
and the open meetings act. Records shall
include contracts entered into by any
commission.

Jason Thomp 'J

CRH2487h1

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Agriculture and Natural Resources** recommends **HB 2487** be amended on page 3, after line 15, by inserting the following:

"(g) The provisions of this section are part of and supplemental to article 12 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto."; and the bill be passed as amended.

_____ Chairperson

HOUSE BILL No. 2147

By Committee on Agriculture and Natural Resources

Rep. Knox Amendments

1-22

9 AN ACT concerning the environment; establishing the farm and ranch
10 land protection program; ~~establishing an emissions compensation pro-~~
11 ~~gram~~; amending K.S.A. 2-1904 and repealing the existing section.
12

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

14 Section 1. K.S.A. 2-1904 is hereby amended to read as follows: 2-
15 1904. (a) There is hereby established, to serve as an agency of the state
16 and to perform the functions conferred upon it in this act, the state con-
17 servation commission. The state conservation commission shall succeed
18 to all the powers, duties and property of the state soil conservation com-
19 mittee. The commission shall consist of nine members as follows:

20 (1) The director of the cooperative extension service and the director
21 of the state agricultural experiment station located at Manhattan, Kansas,
22 or such persons' designees shall serve, ex officio, as members of the
23 commission.

24 (2) The commission shall request the secretary of agriculture of
25 United States of America to appoint one person and the secretary of the
26 Kansas department of agriculture to appoint one person, each of whom
27 shall be residents of the state of Kansas to serve as members of the com-
28 mission. These members shall hold office for four years and until a suc-
29 cessor is appointed and qualifies, with terms commencing on the second
30 Monday in January beginning in 1973.

31 (3) Five members of the state commission shall be elected by the
32 conservation district supervisors at a time and place to be designated by
33 the state conservation commission. The method of electing such members
34 to be conducted as follows: The state is to be divided into five separate
35 areas. Area No. I to include the following counties: Cheyenne, Rawlins,
36 Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan,
37 Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis and Russell. Area
38 No. II to include: Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee,
39 Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell,
40 Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and
41 Kiowa. Area No. III to include: Jewell, Republic, Mitchell, Cloud, Lin-
42 coln, Ottawa, Ellsworth, Saline, Rice, McPherson, Reno, Harvey, King-
43 man, Sedgwick, Sumner, Harper, Barber, Pratt, Barton and Stafford. Area

Handwritten: #5

5-2

1 No. IV to include: Washington, Marshall, Nemaha, Brown, Doniphan,
2 Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth,
3 Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee, Geary, Dickinson,
4 Morris, Osage, Franklin and Miami. Area No. V to include: Marion,
5 Chase, Lyon, Coffey, Anderson, Linn, Bourbon, Allen, Woodson, Green-
6 wood, Butler, Elk, Wilson, Neosho, Crawford, Cowley, Chautauqua,
7 Montgomery, Labette and Cherokee. Areas II and IV will elect in even
8 number years and Areas I, III and V shall elect in odd number years for
9 two year terms. The elected commission members from Areas I, III and
10 V shall take office on January 1, of the even number years. The remaining
11 two elected members of the state commission from Areas II and IV shall
12 take office on January 1, of the odd number years. The method of election
13 is to be by area caucus of the district supervisors of each of the five
14 separate areas of Kansas. The commission shall give each district notice
15 of the time and place of such annual election meeting by letter if a mem-
16 ber is to be elected to the commission from that area that year. The
17 selection of a successor to fill an unexpired term shall be by appointment
18 by the commission. The successor who is appointed to fill the unexpired
19 term shall be a resident of the same area as that of the predecessor.

20 (b) The commission shall keep a record of its official actions, shall
21 adopt a seal which seal shall be judicially noticed, and may perform such
22 acts, hold such public hearings and adopt rules and regulations necessary
23 for the execution of its functions under this act.

24 (c) The state conservation commission may employ an administrative
25 officer and such technical experts as it may require and shall determine
26 their qualifications and duties. Such officer and experts shall be in the
27 unclassified service of the Kansas civil service act and shall receive annual
28 salaries fixed by the commission and approved by the state finance coun-
29 cil. All other agents and employees, permanent or temporary, required
30 by the state conservation commission, shall be within the classified service
31 of the Kansas civil service act. The commission may call upon the attorney
32 general of the state for such legal services as it may require. It shall have
33 authority to delegate to its chairperson, to one or more of its members
34 or to one or more agents or employees, such powers and duties as it
35 deems proper. It shall be supplied with suitable office accommodations
36 at the state capital, and shall be furnished with the necessary supplies and
37 equipment. Upon request of the commission, for the purpose of carrying
38 out any of its functions, the supervising officer of any state agency or of
39 any state institution of learning, insofar as may be possible under available
40 appropriations and having due regard to the needs of the agency to which
41 the request is directed, shall assign or detail to the commission members
42 of the staff or personnel of such agency or institution of learning and
43 make such special reports, surveys or studies as the commission may

1 request.

2 (d) The commission shall designate its chairperson and, from time to
3 time, may change such designation. A majority of the commission shall
4 constitute a quorum, and the concurrence of a majority in any matter
5 within their duties shall be required for its determination. Members of
6 the state conservation commission attending meetings of such commis-
7 sion or attending a subcommittee meeting thereof authorized by such
8 commission shall be paid compensation, subsistence allowances, mileage
9 and other expenses as provided in K.S.A. 75-3223, and amendments
10 thereto. The commission shall provide for keeping of a full and accurate
11 record of all proceedings and of all resolutions, regulations and orders
12 issued or adopted.

13 (e) In addition to the duties and powers hereinafter conferred upon
14 the state conservation commission, it shall have the following duties and
15 powers:

16 (1) To offer such assistance as may be appropriate to the supervisors
17 of conservation districts, organized as provided hereinafter, in the carry-
18 ing out of any of their powers and programs;

19 (2) to keep the supervisors of each of the several districts organized
20 under the provisions of this act informed of the activities and experience
21 of all other districts organized hereunder and to facilitate an interchange
22 of advice and experience between such districts and cooperation between
23 them;

24 (3) to coordinate the programs of the several conservation districts
25 organized hereunder;

26 (4) to secure the cooperation and assistance of the United States and
27 any of its agencies and of agencies of this state, in the work of such districts
28 and to contract with or to accept donations, grants, gifts and contributions
29 in money, services or otherwise from the United States or any of its agen-
30 cies or from the state or any of its agencies in order to carry out the
31 purposes of this act;

32 (5) to disseminate information throughout the state concerning the
33 activities and programs of the conservation districts organized hereunder
34 and to encourage the formation of such districts in areas where their
35 organization is desirable;

36 (6) to cooperate with and give assistance to watershed districts and
37 other special purpose districts in the state of Kansas for the purpose of
38 cooperating with the United States through the secretary of agriculture
39 in the furtherance of conservation pursuant to the provisions of the wa-
40 tershed protection and flood prevention act, as amended;

41 (7) to cooperate in and carry out, in accordance with state policies,
42 activities and programs to conserve and develop the water resources of
43 the state and maintain and improve the quality of such water resources;

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1 (8) to enlist the cooperation and collaboration of state, federal, re-
2 gional, interstate, local, public and private agencies with the conservation
3 districts; and

4 (9) to facilitate arrangements under which conservation districts may
5 serve county governing bodies and other agencies as their local operating
6 agencies in the administration of any activity concerned with the conser-
7 vation of natural resources; and

8 (10) to facilitate the conservation of private ~~working farm and ranch~~
9 lands in Kansas through grants to eligible entities for the administration
10 and purchase of perpetual conservation easements, or other interests, of
11 eligible farm and ranch lands.

agricultural

7

12 New Sec. 2. As used in sections 3 through 6, and amendments
13 thereto:

14 (a) "Commission" means the state conservation commission.

15 (b) "Conservation easement" means a conservation easement, as de-
16 fined in K.S.A. 58-3810, and amendments thereto, which is a permanent
17 deed restriction.

18 (c) "Eligible entity" means any organization that is an organization as
19 described in section 170(h)(3) of the internal revenue code of 1986.

20 (d) "Eligible farm and ranch lands" means cropland, rangeland, grass-
21 land, pastureland or forestland which: (1) Is an incidental part of an ag-
22 ricultural operation on a farm or ranch; (2) has prime, unique or other
23 productive soil or contains historical or archaeological resources; and (3)
24 is subject to a pending offer for purchase or permanent conservation
25 easements from an eligible entity.

; and (4) is located in close proximity
to a federal or state military facility of
more than 100 acres

26 New Sec. 3. (a) There is hereby established a Kansas farm and ranch
27 land protection grant program, to be administered by the commission,
28 for the purpose of limiting loss of agricultural lands to nonagricultural
29 uses.

30 (b) The commission may make available matching grants to be of-
31 fered in cooperation with the United States department of agriculture
32 under the farm and ranch land protection program or the United States
33 department of defense, or any other federal or private entity, to eligible
34 entities for the administration, costs and purchase of permanent conser-
35 vation easements on eligible farm and ranch lands. Such costs shall in-
36 clude, but not be limited to, appraisals, surveys and title searches.

37 (c) The commission may adopt rules and regulations to administer
38 and implement the Kansas farm and ranch land protection grant program.

39 (d) The commission shall not be the holder of conservation
40 easements.

41 New Sec. 4. To receive grants pursuant to the Kansas farm and ranch
42 land protection grant program eligible entities must make application to
43 the commission in the manner prescribed by the commission and shall

5-5

1 provide to the commission:

2 (1) Documentation from the internal revenue service that the entity
3 meets the requirement of subsection (c) of section 2, and amendments
4 thereto;

5 (2) a copy of the conservation easement agreement negotiated with
6 the United States department of agriculture, United States department
7 of defense or other agency and the landowner of the property for which
8 funding is sought;

9 (3) a written statement that creation and recordation of appropriate
10 deed restrictions will occur upon disbursement of the funds to the
11 landowner;

12 (4) a written agreement to implement the terms of the conservation
13 easement and to report the status of the conservation easement as the
14 commission deems necessary; and

15 (5) any other relevant information the commission deems necessary
16 to assure the appropriate use of grant funds.

17 New Sec. 5. (a) The commission shall evaluate and rank each appli-
18 cation based upon the following criteria:

19 (1) Contiguous acres of farm and ranch land to be conserved and its
20 ability to economically sustain agricultural activities;

21 (2) historic agricultural use and condition of the property;

22 (3) proximity of the property to: (A) A military installation or facility
23 under the supervision of the United States secretary of the army or the
24 United States secretary of the air force or (B) a military installation or
25 facility under the supervision of the Kansas national guard;

26 (4) imminent threat of development for residential or commercial
27 purposes;

28 ~~(5) the property was previously subject to an unfulfilled contract for
29 development of wind energy;~~

30 ~~(6) commitment of eligible entity and landowner to the long-term
31 conservation of the property;~~

5

32 ~~(7) provide an educational opportunity regarding the land's scenic
33 value, plant and animal biodiversity, historic and cultural characteristics;
34 and~~

6

35 ~~(8) other factors the commission deems critical for fulfillment of the
36 purposes of this act.~~

7

37 ~~(b) For fiscal years 2008 and 2009, the~~ commission shall give funding
38 priority to applications meeting the provisions of subsections (a)(3)(A) and
39 (a)(3)(B) of this section.

The

40 (c) Upon completion of the evaluations and rankings, the commission
41 shall timely award funds to successful applicants.

42 New Sec. 6. Failure of a property owner to observe and fulfill the
43 terms of a conservation easement shall render the property liable to the

1 commission for all grant moneys received.

2 New Sec. 7. (a) Notwithstanding the provisions of K.S.A. 58-3816,
3 and amendments thereto, no city shall use eminent domain to acquire
4 land placed in a conservation easement under the Kansas farm and ranch
5 land protection grant program.

except for utility or roadway purposes

6 (b) If the land placed in a conservation easement under the Kansas
7 farm and ranch law protection grant program is taken for public use, then
8 the state of Kansas shall be paid from the settlement moneys an amount
9 equal to the amount the state contributed under this act.

10 ~~New Sec. 8. (a) On July 1, 2008, there is hereby imposed on the~~
11 ~~change in classification of real property for purposes of ad valorem taxa-~~
12 ~~tion from agricultural use to a use other than agricultural use or use as a~~
13 ~~city, county or state park an open space preservation fee in an amount~~
14 ~~equal to 0.015% of the fair market value of such property, as determined~~
15 ~~by the county appraiser pursuant to law, if such property is reclassified~~
16 ~~at the time of or within seven years after transfer of the property.~~

17 ~~(b) The fee imposed by this section shall be determined by the county~~
18 ~~clerk and the certified amount shall be provided to the county treasurer~~
19 ~~for collection and remitted to the state treasurer. Upon receipt of the~~
20 ~~remittance, the state treasurer shall deposit the entire amount in the state~~
21 ~~treasury and credit it to the agricultural land conservation program fund.~~

22 ~~(c) (1) There is hereby established in the state treasury the agricul-~~
23 ~~tural land conservation program fund. Moneys in the fund shall be ex-~~
24 ~~pended only for the administration, costs and the purchase of permanent~~
25 ~~conservation easements on agricultural lands. Moneys may be used for~~
26 ~~matching grants with federal agencies or private entities to conserve ag-~~
27 ~~ricultural lands, but may not be used to acquire fee title to land.~~

28 ~~(2) On or before the 10th of each month, the director of accounts~~
29 ~~and reports shall transfer from the state general fund to the agricultural~~
30 ~~land conservation program fund interest earnings based on: (A) The av-~~
31 ~~erage daily balance of moneys in the agricultural land conservation pro-~~
32 ~~gram fund for the preceding month; and (B) the net earnings rate for the~~
33 ~~pooled money investment portfolio for the preceding month.~~

34 ~~(3) All expenditures from the agricultural land conservation program~~
35 ~~fund shall be made in accordance with appropriation acts upon warrants~~
36 ~~of the director of accounts and reports issued pursuant to vouchers ap-~~
37 ~~proved by the chairperson of the commission, or a person designated by~~
38 ~~the chairperson, for the purposes set forth in this section.~~

39 ~~New Sec. 9. (a) As used in this section, terms have the meanings~~
40 ~~provided in the Kansas air quality act, K.S.A. 65-3001, and amendments~~
41 ~~thereto.~~

42 ~~(b) Not later than January 1, 2008, the secretary shall establish by~~
43 ~~rules and regulations a voluntary emissions compensation program. To~~

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1 ~~the extent authorized by the federal law, such program shall qualify as~~
2 ~~this state's harmful emissions capturing and sequestration program.~~

3 (e) ~~The secretary shall establish a program of voluntary payments for~~
4 ~~emissions which contribute to air pollution. Such voluntary payments shall~~
5 ~~be rates specified by rules and regulations adopted by the secretary but~~
6 ~~shall be not less than \$10 nor more than \$100 per ton of each identified~~
7 ~~air contaminant from each emission source.~~

8 (d) ~~The secretary shall remit all moneys from payments received pur-~~
9 ~~suant to this section to the state treasurer in accordance with the provi-~~
10 ~~sions of K.S.A. 75-4215, and amendments thereto. Upon receipt of the~~
11 ~~remittance, the state treasurer shall credit 90% to the agricultural land~~
12 ~~conservation program fund established by section 8, and amendments~~
13 ~~thereto, and shall credit the remainder to a special fund for use by the~~
14 ~~department for costs of administration of the program.~~

15 Sec. 10. K.S.A. 2-1904 is hereby repealed.

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

And renumber remaining sections accordingly

HOUSE BILL No. 2147

z2147c1

By Committee on Agriculture and Natural Resources

Technical and Sponsor Amendments

1-22

9 AN ACT concerning the environment; establishing the farm and ranch
10 land protection program; establishing ~~an emissions compensation pro-~~
11 ~~gram~~ amending K.S.A. 2-1904 and repealing the existing section.
12

grant

the agricultural land conservation program fund

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

14 Section 1. K.S.A. 2-1904 is hereby amended to read as follows: 2-
15 1904. (a) There is hereby established, to serve as an agency of the state
16 and to perform the functions conferred upon it in this act, the state con-
17 servation commission. The state conservation commission shall succeed
18 to all the powers, duties and property of the state soil conservation com-
19 mittee. The commission shall consist of nine members as follows:

20 (1) The director of the cooperative extension service and the director
21 of the state agricultural experiment station located at Manhattan, Kansas,
22 or such persons' designees shall serve, ex officio, as members of the
23 commission.

24 (2) The commission shall request the secretary of agriculture of
25 United States of America to appoint one person and the secretary of the
26 Kansas department of agriculture to appoint one person, each of whom
27 shall be residents of the state of Kansas to serve as members of the com-
28 mission. These members shall hold office for four years and until a suc-
29 cessor is appointed and qualifies, with terms commencing on the second
30 Monday in January beginning in 1973.

31 (3) Five members of the state commission shall be elected by the
32 conservation district supervisors at a time and place to be designated by
33 the state conservation commission. The method of electing such members
34 to be conducted as follows: The state is to be divided into five separate
35 areas. Area No. I to include the following counties: Cheyenne, Rawlins,
36 Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan,
37 Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis and Russell. Area
38 No. II to include: Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee,
39 Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell,
40 Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and
41 Kiowa. Area No. III to include: Jewell, Republic, Mitchell, Cloud, Lin-
42 coln, Ottawa, Ellsworth, Saline, Rice, McPherson, Reno, Harvey, King-
43 man, Sedgwick, Sumner, Harper, Barber, Pratt, Barton and Stafford. Area

1 No. IV to include: Washington, Marshall, Nemaha, Brown, Doniphan,
2 Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth,
3 Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee, Geary, Dickinson,
4 Morris, Osage, Franklin and Miami. Area No. V to include: Marion,
5 Chase, Lyon, Coffey, Anderson, Linn, Bourbon, Allen, Woodson, Green-
6 wood, Butler, Elk, Wilson, Neosho, Crawford, Cowley, Chautauqua,
7 Montgomery, Labette and Cherokee. Areas II and IV will elect in even
8 number years and Areas I, III and V shall elect in odd number years for
9 two year terms. The elected commission members from Areas I, III and
10 V shall take office on January 1, of the even number years. The remaining
11 two elected members of the state commission from Areas II and IV shall
12 take office on January 1, of the odd number years. The method of election
13 is to be by area caucus of the district supervisors of each of the five
14 separate areas of Kansas. The commission shall give each district notice
15 of the time and place of such annual election meeting by letter if a mem-
16 ber is to be elected to the commission from that area that year. The
17 selection of a successor to fill an unexpired term shall be by appointment
18 by the commission. The successor who is appointed to fill the unexpired
19 term shall be a resident of the same area as that of the predecessor.

20 (b) The commission shall keep a record of its official actions, shall
21 adopt a seal which seal shall be judicially noticed, and may perform such
22 acts, hold such public hearings and adopt rules and regulations necessary
23 for the execution of its functions under this act.

24 (c) The state conservation commission may employ an administrative
25 officer and such technical experts as it may require and shall determine
26 their qualifications and duties. Such officer and experts shall be in the
27 unclassified service of the Kansas civil service act and shall receive annual
28 salaries fixed by the commission and approved by the state finance coun-
29 cil. All other agents and employees, permanent or temporary, required
30 by the state conservation commission, shall be within the classified service
31 of the Kansas civil service act. The commission may call upon the attorney
32 general of the state for such legal services as it may require. It shall have
33 authority to delegate to its chairperson, to one or more of its members
34 or to one or more agents or employees, such powers and duties as it
35 deems proper. It shall be supplied with suitable office accommodations
36 at the state capital, and shall be furnished with the necessary supplies and
37 equipment. Upon request of the commission, for the purpose of carrying
38 out any of its functions, the supervising officer of any state agency or of
39 any state institution of learning, insofar as may be possible under available
40 appropriations and having due regard to the needs of the agency to which
41 the request is directed, shall assign or detail to the commission members
42 of the staff or personnel of such agency or institution of learning and
43 make such special reports, surveys or studies as the commission may

1 request.

2 (d) The commission shall designate its chairperson and, from time to
3 time, may change such designation. A majority of the commission shall
4 constitute a quorum, and the concurrence of a majority in any matter
5 within their duties shall be required for its determination. Members of
6 the state conservation commission attending meetings of such commis-
7 sion or attending a subcommittee meeting thereof authorized by such
8 commission shall be paid compensation, subsistence allowances, mileage
9 and other expenses as provided in K.S.A. 75-3223, and amendments
10 thereto. The commission shall provide for keeping of a full and accurate
11 record of all proceedings and of all resolutions, regulations and orders
12 issued or adopted.

13 (e) In addition to the duties and powers hereinafter conferred upon
14 the state conservation commission, it shall have the following duties and
15 powers:

16 (1) To offer such assistance as may be appropriate to the supervisors
17 of conservation districts, organized as provided hereinafter, in the carry-
18 ing out of any of their powers and programs;

19 (2) to keep the supervisors of each of the several districts organized
20 under the provisions of this act informed of the activities and experience
21 of all other districts organized hereunder and to facilitate an interchange
22 of advice and experience between such districts and cooperation between
23 them;

24 (3) to coordinate the programs of the several conservation districts
25 organized hereunder;

26 (4) to secure the cooperation and assistance of the United States and
27 any of its agencies and of agencies of this state, in the work of such districts
28 and to contract with or to accept donations, grants, gifts and contributions
29 in money, services or otherwise from the United States or any of its agen-
30 cies or from the state or any of its agencies in order to carry out the
31 purposes of this act;

32 (5) to disseminate information throughout the state concerning the
33 activities and programs of the conservation districts organized hereunder
34 and to encourage the formation of such districts in areas where their
35 organization is desirable;

36 (6) to cooperate with and give assistance to watershed districts and
37 other special purpose districts in the state of Kansas for the purpose of
38 cooperating with the United States through the secretary of agriculture
39 in the furtherance of conservation pursuant to the provisions of the wa-
40 tershed protection and flood prevention act, as amended;

41 (7) to cooperate in and carry out, in accordance with state policies,
42 activities and programs to conserve and develop the water resources of
43 the state and maintain and improve the quality of such water resources;

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1 (8) to enlist the cooperation and collaboration of state, federal, re-
2 gional, interstate, local, public and private agencies with the conservation
3 districts; ~~and~~

4 (9) to facilitate arrangements under which conservation districts may
5 serve county governing bodies and other agencies as their local operating
6 agencies in the administration of any activity concerned with the conser-
7 vation of natural resources; and

8 (10) to facilitate the conservation of private working farm and ranch
9 lands in Kansas through grants to eligible entities for the administration
10 and purchase of perpetual conservation easements, or other interests, of
11 eligible farm and ranch lands.

12 New Sec. 2. As used in sections 3 through 8, and amendments
13 thereto:

14 (a) "Commission" means the state conservation commission.

15 (b) "Conservation easement" means a conservation easement, as de-
16 fined in K.S.A. 58-3810, and amendments thereto, which is a permanent
17 deed restriction.

18 (c) "Eligible entity" means any organization that is an organization as
19 described in section 170(h)(3) of the internal revenue code of 1986.

20 (d) "Eligible farm and ranch lands" means cropland, rangeland, grass-
21 land, pastureland or forestland which: (1) Is an incidental part of an ag-
22 ricultural operation on a farm or ranch; (2) has prime, unique or other
23 productive soil or contains historical or archaeological resources; and (3)
24 is subject to a pending offer for purchase or permanent conservation
25 easements from an eligible entity.

26 New Sec. 3. (a) There is hereby established a Kansas farm and ranch
27 land protection grant program, to be administered by the commission,
28 for the purpose of limiting loss of agricultural lands to nonagricultural
29 uses.

30 (b) The commission may make available matching grants to be of-
31 fered in cooperation with the United States department of agriculture
32 under the farm and ranch land protection program or the United States
33 department of defense, or any other federal or private entity, to eligible
34 entities for the administration, costs and purchase of permanent conser-
35 vation easements on eligible farm and ranch lands. Such costs shall in-
36 clude, but not be limited to, appraisals, surveys and title searches.

37 (c) The commission may adopt rules and regulations to administer
38 and implement the Kansas farm and ranch land protection grant program.

39 (d) The commission shall not be the holder of conservation
40 easements.

41 New Sec. 4. To receive grants pursuant to the Kansas farm and ranch
42 land protection grant program eligible entities must make application to
43 the commission in the manner prescribed by the commission and shall

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1 provide to the commission:

2 (1) Documentation from the internal revenue service that the entity
3 meets the requirement of subsection (c) of section 2, and amendments
4 thereto;

5 (2) a copy of the conservation easement agreement negotiated with
6 the United States department of agriculture, United States department
7 of defense or other agency and the landowner of the property for which
8 funding is sought;

9 (3) a written statement that creation and recordation of appropriate
10 deed restrictions will occur upon disbursement of the funds to the
11 landowner;

12 (4) a written agreement to implement the terms of the conservation
13 easement and to report the status of the conservation easement as the
14 commission deems necessary; and

15 (5) any other relevant information the commission deems necessary
16 to assure the appropriate use of grant funds.

17 New Sec. 5. (a) The commission shall evaluate and rank each appli-
18 cation based upon the following criteria:

19 (1) Contiguous acres of farm and ranch land to be conserved and its
20 ability to economically sustain agricultural activities;

21 (2) historic agricultural use and condition of the property;

22 (3) proximity of the property to: (A) A military installation or facility
23 under the supervision of the United States secretary of the army or the
24 United States secretary of the air force or (B) a military installation or
25 facility under the supervision of the Kansas national guard;

26 (4) imminent threat of development for residential or commercial
27 purposes;

28 (5) the property was previously subject to an unfulfilled contract for
29 development of wind energy;

30 (6) commitment of eligible entity and landowner to the long-term
31 conservation of the property;

32 (7) provide an educational opportunity regarding the land's scenic
33 value, plant and animal biodiversity, historic and cultural characteristics;
34 and

35 (8) other factors the commission deems critical for fulfillment of the
36 purposes of this act.

37 (b) For fiscal years 2008 and 2009, the commission shall give funding
38 priority to applications meeting the provisions of subsections (a)(3)(A) and
39 (a)(3)(B) of this section.

40 (c) Upon completion of the evaluations and rankings, the commission
41 shall timely award funds to successful applicants.

42 New Sec. 6. Failure of a property owner to observe and fulfill the
43 terms of a conservation easement shall render the property liable to the

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6-6

1 commission for all grant moneys received.

2 New Sec. 7. (a) Notwithstanding the provisions of K.S.A. 58-3816,
3 and amendments thereto, no city shall use eminent domain to acquire
4 land placed in a conservation easement under the Kansas farm and ranch
5 land protection grant program.

6 (b) If the land placed in a conservation easement under the Kansas
7 farm and ranch ~~law~~ protection grant program is taken for public use, then
8 the state of Kansas shall be paid from the settlement moneys an amount
9 equal to the amount the state contributed under this act.

10 New Sec. 8. (a) On July 1, 2008, there is hereby imposed on the
11 change in classification of real property for purposes of ad valorem taxa-
12 tion from agricultural use to a use other than agricultural use or use as a
13 city, county or state park an open space preservation fee in an amount
14 equal to ~~0.015%~~ of the fair market value of such property, as determined
15 by the county appraiser pursuant to law, if such property is reclassified
16 at the time of or within seven years after transfer of the property.

17 (b) The fee imposed by this section shall be determined by the county
18 clerk and the certified amount shall be provided to the county treasurer
19 for collection and remitted to the state treasurer. Upon receipt of the
20 remittance, the state treasurer shall deposit the entire amount in the state
21 treasury and credit it to the agricultural land conservation program fund.

22 (c) (1) There is hereby established in the state treasury the agricul-
23 tural land conservation program fund. Moneys in the fund shall be ex-
24 pended only for the administration, costs and the purchase of permanent
25 conservation easements on agricultural lands. Moneys may be used for
26 matching grants with federal agencies or private entities to conserve ag-
27 ricultural lands, but may not be used to acquire fee title to land.

28 (2) On or before the 10th of each month, the director of accounts
29 and reports shall transfer from the state general fund to the agricultural
30 land conservation program fund interest earnings based on: (A) The av-
31 erage daily balance of moneys in the agricultural land conservation pro-
32 gram fund for the preceding month; and (B) the net earnings rate for the
33 pooled money investment portfolio for the preceding month.

34 (3) All expenditures from the agricultural land conservation program
35 fund shall be made in accordance with appropriation acts upon warrants
36 of the director of accounts and reports issued pursuant to vouchers ap-
37 proved by the chairperson of the commission, or a person designated by
38 the chairperson, for the purposes set forth in this section.

39 ~~New Sec. 9. (a) As used in this section, terms have the meanings
40 provided in the Kansas air quality act, K.S.A. 65-3001, and amendments
41 thereto.~~

42 ~~(b) Not later than January 1, 2008, the secretary shall establish by
43 rules and regulations a voluntary emissions compensation program. To~~

land

1.5%

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1 ~~The extent authorized by the federal law, such program shall qualify as~~
2 ~~this state's harmful emissions capturing and sequestration program.~~

3 ~~(c) The secretary shall establish a program of voluntary payments for~~
4 ~~emissions which contribute to air pollution. Such voluntary payments shall~~
5 ~~be rates specified by rules and regulations adopted by the secretary but~~
6 ~~shall be not less than \$10 nor more than \$100 per ton of each identified~~
7 ~~air contaminant from each emission source.~~

8 ~~(d) The secretary shall remit all moneys from payments received pur-~~
9 ~~suant to this section to the state treasurer in accordance with the provi-~~
10 ~~sions of K.S.A. 75-4215, and amendments thereto. Upon receipt of the~~
11 ~~remittance, the state treasurer shall credit 90% to the agricultural land~~
12 ~~conservation program fund established by section 8, and amendments~~
13 ~~thereto, and shall credit the remainder to a special fund for use by the~~
14 ~~department for costs of administration of the program.~~

15 ~~Sec. 10. K.S.A. 2-1904 is hereby repealed.~~

16 ~~Sec. 11. This act shall take effect and be in force from and after its~~
17 ~~publication in the statute book.~~

And renumber remaining sections accordingly