

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Agriculture** recommends **SB 357** be amended on page 1, in line 9, by striking "knowing,"; also in line 9, by striking "or being advised"; in line 25, by striking "or irreparable"; in line 26, by striking "damage to such land"; in line 28, by striking ", including, but not limited to, discing,"; by striking all in line 29; in line 30, by striking "dust control" and inserting "that shall include any recognized method of dust control in the applicable field office technical guide of the natural resources conservation service"; also in line 30, by striking "receive" and inserting "receives"; in line 31, by striking "determine" and inserting "determines"; in line 33, by striking "direct the"; in line 34, by striking "complaining citizen to present" and inserting "refer";

On page 2, in line 8, by striking "complaining party will appear" and inserting "complaint will be heard"; in line 13, after "receiving" by inserting "written"; in line 24, after "district." by inserting "Included in such recommendation shall be a determination by the local conservation district as to whether the land at issue is in compliance with a conservation plan promulgated by the owner or tenant under 7 C.F.R. § 12.5, as in effect on July 1, 2012. If the land at issue is determined to be in compliance with a conservation plan promulgated by the owner or tenant under 7 C.F.R. § 12.5, as in effect on July 1, 2012, the conservation district shall recommend no corrective action be taken by the board of county commissioners. If the land at issue is determined to not be in compliance with a conservation plan promulgated by the owner or tenant under 7 C.F.R. § 12.5, as in effect on July 1, 2012,";

On page 3, in line 12, by striking "may accept, reject or modify the recommendations";

by striking all in line 13; in line 14, by striking "commissioners" and inserting "shall accept or reject the recommendations of the local conservation district. In such case where the board of county commissioners rejects the local conservation district's recommendations, the board of county commissioners may, if it is determined corrective action is needed other than the corrective action recommended by the local conservation district, request the local conservation district develop an alternative recommendation. A request for an alternative recommendation from the local conservation district by the board of county commissioners shall set forth the reasons why the board of county commissioners believes an alternative recommendation is necessary. Upon receiving an alternative recommendation from the local conservation district, the board of county commissioners shall accept or reject the alternative recommendation"; by striking all in lines 16 through 21; in line 24, after "appropriate" by inserting "under subsection (a)"; following line 38, by inserting:

"Sec. 2. K.S.A. 2-2008 is hereby amended to read as follows: 2-2008. (a) When work has been done by the county, or by anyone employed by it to carry out its orders respecting ~~the planting or cultivation~~ of any specific tract of land under K.S.A. 2-2004 ~~or 2-2006~~, and amendments thereto, and warrants issued therefor, the board of county commissioners shall notify the owner of the land, by certified mail or otherwise, of the amount thereof and require the owner to make a showing before them, on a day named, which shall not be less than 30 days after the date of the notice, as to why the cost of the work should not be levied against the land as a special assessment. Unless the owner of the land can show that the work was necessitated by circumstances beyond the owner's control, and which could not reasonably have been anticipated, the expense thereof shall be assessed against the land as a special assessment.

(b) The assessment shall be made by an order of the board of county commissioners, which order shall be recorded in its minutes, and shall be collected as a special assessment. The amount of the assessment shall not exceed \$3 per acre for each acre on which work is done for any one year, unless

the board of county commissioners determines at its first meeting during any calendar year that \$3 per acre is not adequate to cover the actual cost of the work. Upon such determination the board of county commissioners shall fix, at the first business meeting of the board during any calendar year, an amount in excess of \$3 per acre which the board determines to be a reasonable assessment per acre to cover the actual cost of the work during such calendar year. If the amount assessed against any such acre in any year exceeds \$3 or exceeds the amount fixed by the board of county commissioners in any year to cover the cost per acre of the work for that year, or the total amount assessed against any such acre in more than one year and which is uncollected exceeds \$3 or exceeds the amount fixed by the board of county commissioners in any year to cover the cost per acre of the work for that year, such amount shall be collected in annual installments not exceeding \$3 or the amount fixed by the board of county commissioners at its first meeting during any calendar year to cover the actual cost of the work per such acre, as applicable.

(c) For good cause shown, the board of county commissioners may divide the cost between the owner of the land and the county. ~~All moneys collected on such special assessment shall be credited to the soil-drifting fund.~~ Any landowner aggrieved at the amount of the assessment against the landowner's land may bring an action in the district court of the county in which the land is situated to test the validity of the assessment or to enjoin its collection, but such action must be brought within 30 days after the assessment is made, and cannot be brought thereafter.";

And by renumbering sections accordingly;

Also on page 3, by striking "is" and inserting ", 2-2006, 2-2007 and 2-2008 and K.S.A. 2011 Supp. 2-2003 and 2-2005 are";

On page 1, in the title, in line 3, after "2-2004" by inserting "and 2-2008"; also in line 3, by striking "section" and inserting "sections"; also repealing K.S.A. 2-2006 and 2-2007 and K.S.A. 2011 Supp. 2-2003 and 2-2005"; and the bill be passed as amended.

_____Chairperson