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MEMORANDUM

To: Senate Committee on Agriculture and Natural Resources
From: Office of Revisor of Statutes
Date: March 10, 2022
Subject: HB 2559—The Kansas Cotton Boll Weevil Act

HB 2559 as amended by House Committee would establish the Kansas cotton boll weevil program.

Section 2 would provide definitions for certain terms used throughout the act. “Cotton pest” would mean “...boll weevils, or any other pest that may infest, destroy or otherwise inhibit the growth of cotton.” “Grower” would mean “any person engaged in the growing of cotton in this state who owns such cotton or shares in the ownership and risk of loss of such cotton, whether as a landlord or tenant.”

Section 3 would establish the Kansas cotton boll weevil program and establish a board of directors to administer and implement the program. The board of directors would consist of five voting members and three ex officio nonvoting members. The board of directors of the Kansas cotton association would submit seven nominations to the secretary of agriculture who would appoint the five voting members to the board from such nominees. The ex officio members would be the dean of the college of agriculture of Kansas state university, the secretary of agriculture and the chairman of the Kansas cotton association or the designee of such persons.

Section 4 would provide the powers of the board of directors. The board could establish and implement a cotton pest monitoring plan, which would include the development and distribution of educational materials and the authority to enter private property to inspect cotton fields for cotton pests and set and monitor traps. The board could also appoint and compensate an administrator and establish an office for such administrator. The administrator could appoint other personnel as necessary. The board would be authorized to enter into contracts, including for the collection and assessment levied under section 6. Section 4 would also establish the parameters

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for inspections, including notice and allowing the owner, operator, lessee or representative thereof to accompany the inspector.

Section 5 would authorize the board to develop an eradication plan if the presence of boll weevils or any other cotton pest is discovered in the state. Such eradication plan would be implemented in coordination with the secretary of agriculture.

Section 6 would establish an assessment levied by the board not to exceed \$2 per cotton bale. The assessment would be levied on a grower at the time of deposit at the cotton gin and be remitted to the board as provided in subsection (b)(1) and (2). In-state cotton gins serving as selling agents for cotton products would be required to follow the requirements of paragraph (1), while out-of-state cotton gins that serve as selling agents for cotton products may following the requirements of paragraph (2), subject to any contract with the board. All moneys collected from the assessment levied could only be used for the purposes of the act.

Section 7 states that any violation of the act would be a class C misdemeanor.

Section 8 states that the program or any of the program's activities may be discontinued upon the resolution of the program or activity, with approval by the secretary, if the board determines the program or activity is no longer necessary. If the program itself is discontinued, the board would file a final report with the secretary, including a financial report, and submit the program's remaining funds to the Kansas cotton association. The secretary would then provide a final report to the legislature.

HB 2559 would take effect upon publication in the statute book.