



STATE OF KANSAS

## Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

**Curt T. Schneider**  
Attorney General

August 2, 1977

ATTORNEY GENERAL OPINION NO. 77- 246

The Honorable Jack W. Janssen  
State Senator  
Box 626  
Lyons, Kansas 67554

Re: Agriculture--Corn, Grain Sorghum and Wheat Commissioners--  
Assessments

Synopsis: 1977 Senate Bill 2 is not unconstitutional for lack of any provision for popular vote prior to levy of the assessments for support of the Kansas corn, grain sorghum and soybean commissioners, as provided therein.

\* \* \*


Dear Senator Janssen:

I have your letter of July 18, 1977, concerning 1977 Senate Bill 2, creating state corn, grain sorghum and soybean commissioners. Funds for the operation of these commissions are derived from an assessment of two mills per bushel upon corn and grain sorghum marketed through commercial channels on and after September 1, 1977, and an assessment of five mills per bushel upon soybeans. The grower is entitled to a refund of these taxes within one year after any and all sales during the period. You question whether either the new bill, or K.S.A. 2-2608, is constitutional, because no vote is required prior to levy of the assessment. I know of no requirement, either in the United States Constitution, nor in our own Kansas Constitution, that a popular vote be taken before the levy of a tax or any other assessment, either as a matter of due process, equal protection, or any other constitutional guarantee. Thus, in my judgment, 1977 Senate Bill No. 2 is not

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constitutionally defective because it lacks any provision for a popular vote by producers prior to levy of the assessments to be made for the benefit of the corn, grain sorghum and soybean commissions created by that act.

Yours truly,

  
CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj