

As Amended by Senate Committee

Session of 2006

SENATE BILL No. 542

By Committee on Agriculture

2-9

10 AN ACT concerning the equine industry; creating the equine industry
11 research and promotion board.

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

14 Section 1. As used in this act:

15 (a) “Board” means the Kansas equine industry research and promo-
16 tion board;

17 (b) “commercial equine feed” means manufactured feed, supple-
18 ment or premix intended or labeled for equine use;

19 (c) “manufactured feed” means grains, seeds or forage that are
20 ground, mixed, supplemented or otherwise altered for the purpose of
21 consumption;

22 ~~(d) “qualified industry organization” means the Kansas horse council~~
23 ~~or successor organization that represents the entire spectrum of the Kan-~~
24 ~~sas equine industry;~~

25 ~~(e)~~ “sale” or “sold” means a transaction in which commercial horse
26 feed is transferred from the seller to a purchaser for full or partial
27 consideration;

28 ~~(d)~~ **(e)** “Secretary” means the Kansas secretary of agriculture; and

29 ~~(g)~~ **(f)** “seller” means any private entity or corporation that sells com-
30 mercial horse feed.

31 Sec. 2. (a) There is hereby created the Kansas equine industry re-
32 search and promotion board.

33 (b) The board shall consist of seven members who will be elected at
34 the annual meeting of the Kansas horse council. The board of directors
35 of the Kansas horse council shall act as interim board members until
36 board members can be elected and qualified. In selecting members, the
37 Kansas horse council shall give due regard to selecting a board that is
38 representative of the diverse geographical regions of the state and the
39 equine industry. Each board member appointed on and after the effective
40 date of this act shall be elected for a term of four years except that three
41 of the board members first elected on and after the effective date of this
42 act shall be elected for a term of two years. No member may serve more
43 than two consecutive terms. Upon the expiration of a term of a member

1 of the board, such member shall continue to serve as a member of the
2 board until a successor to such member is elected and qualified.

3 (c) Members of the board shall be residents of this state and currently
4 be equine owners. The elections will be held at an open session to all
5 equine owners at the annual meeting of the ~~qualified industry organiza-~~
6 ~~tion~~ **board**.

7 (d) The dean of the college of agriculture of Kansas state university
8 or the dean's representative and the secretary or the secretary's designee
9 shall serve as ex officio nonvoting members of the board.

10 (e) The board shall annually elect a chairperson from its membership.

11 (f) A member of the board may cease to hold such member's position
12 on the board for any of the following reasons, at the discretion of a ma-
13 jority of the board, upon resolution duly adopted by the board dismissing
14 such member:

15 (1) Failure to attend two or more regular meetings of the board, if
16 unexcused; or

17 (2) ceasing to be an equine owner.

18 (g) Members of the board attending meetings of such board, or at-
19 tending a subcommittee meeting authorized by such board, may be paid
20 compensation and other expenses.

21 (h) The board shall meet at least once every calendar quarter regu-
22 larly and hold an annual meeting which shall be open to the public. The
23 day, time and place of each meeting shall be determined by the board.
24 The chairperson or any three members of the board may call special
25 meetings of the board upon such notice as may be prescribed by the duly
26 adopted ~~rules and regulations~~ **procedures** of the board.

27 Sec. 3. (a) In the administration of this act, the board shall have the
28 following duties, authorities and powers:

29 ~~(a)~~ (1) To conduct a campaign of equine industry development,
30 through research, education and information;

31 ~~(b)~~ (2) to accept grants and donations;

32 ~~(c)~~ (3) to sue and be sued;

33 ~~(d)~~ (4) to enter into such contracts as may be necessary or advisable
34 for the purpose of this act;

35 ~~(e)~~ (5) to appoint an administrator who is knowledgeable about the
36 equine industry and fix the compensation. With the approval of the board,
37 the administrator may appoint such other personnel as is needed;

38 ~~(f)~~ (6) to cooperate or contract with any local, state or national or-
39 ganization or agency, whether voluntary or created by the law of any state,
40 or by national law, engaged in work or activities similar to the work and
41 activities of the board and to enter into contracts and agreements with
42 such organizations or agencies for carrying on a joint campaign of re-
43 search, education and promotion;

1 ~~(g)~~ (7) to establish an office of the administrator at any place in this
 2 state the board may select;

3 ~~(h)~~ (8) to adopt, rescind, modify and amend all necessary and proper
 4 orders, resolutions and ~~rules and regulations for the procedure and~~ **pro-**
 5 **cedures for the** exercise of its powers and the performance of its duties;
 6 ~~and~~

7 ~~(i)~~ (9) to approve an annual budget and establish a reserve. Each
 8 project budgeted and approved by the board shall include a stated ob-
 9 jective and anticipated results. In the board's annual report to the indus-
 10 try, the board shall include those objectives and actual results; **and**

11 **(10) to establish guidelines that include, but are not limited to,**
 12 **the issuance of grants for research and development, education and**
 13 **scholarships, tourism and event promotion, equine trail develop-**
 14 **ment and maintenance, therapeutic programs and equine rescue.**

15 **(b) The meetings of the board shall be subject to the provisions**
 16 **of K.S.A. 75-4317, et. seq., and amendments thereto, and the records**
 17 **of the board shall be subject to the provisions of K.S.A. 45-215, et**
 18 **seq., and amendments thereto.**

19 Sec. 4. (a) The board shall set the assessment at \$2 per ton or 5 cents
 20 per 50-pound bag of commercial equine feed. The assessed amount shall
 21 apply to all manufacturers of commercial equine feed when the feed is
 22 sold or imported for sale in Kansas, **except that the assessment shall**
 23 **not apply to manufacturers producing less than 188 tons of com-**
 24 **mercial feeding stuffs pursuant to K.S.A. 2-1001, et seq., and amend-**
 25 **ments thereto.** The assessment when assessed by the manufacturer to
 26 the retail seller shall be listed as a separate line on the bill labeled "Kansas
 27 equine research and promotion assessment". Assessments collected are
 28 due to the board ~~on the 25th day of each quarter and shall include the~~
 29 ~~total collected for the previous calendar quarter~~ **semi-annually, accord-**
 30 **ing to the schedule for submission of the feeding stuffs tonnage re-**
 31 **port pursuant to K.S.A. 2-1004, and amendments thereto.**

32 (b) The administrator shall furnish to every manufacturer receipt
 33 forms which shall be provided by such manufacturer to each retail seller
 34 who pays such assessment. The form shall indicate thereon the procedure
 35 by which the retail purchaser may obtain a refund of any such assessment,
 36 except a refund shall not be issued unless the amount of the refund is \$5
 37 or more. Within one year after any and all sales during such period the
 38 retail purchaser, upon submission of a request therefor to the adminis-
 39 trator, may obtain such refund in the amount of the assessment charged
 40 by the retail seller. Such request shall be accompanied by evidence of the
 41 payment of the assessment which need not be verified.

42 (c) The board shall keep complete records of all refunds made under
 43 the provisions of this section. Records of refunds may be destroyed two

1 years after the refund is made. All funds expended in the administration
2 of this act and for the payment of all claims whatsoever growing out of
3 the performance of any duties or activities pursuant to this act shall be
4 paid from the proceeds derived from such act.

5 Sec. 5. (a) The board shall negotiate and contract with a person or
6 persons to collect and disburse the assessments pursuant to this act.

7 (b) The person or persons shall issue a receipt to the purchaser there-
8 fore and shall remit all moneys received in payment of such assessment
9 to a bank account at least monthly.

10 (c) Each bank account for use in operating and conducting the
11 board's duties shall be secured by pledge of securities in the manner
12 prescribed for state bank accounts under K.S.A. 75-4218, and amend-
13 ments thereto, or if such bank account is in an institution outside the state
14 of Kansas, the institution shall be licensed by a state or the federal
15 government.

16 (d) All money collected pursuant to K.S.A. 47-2304, and amendments
17 thereto, shall be expended in the administration of this act, and for the
18 payment of claims based upon obligations incurred in the performance
19 of the activities and functions set forth in this act and for no other purpose.

20 Sec. 6. ~~(a) Any person who violates any of the provisions of this act
21 shall be guilty of a misdemeanor, and upon conviction shall be punished
22 by a fine of not less than \$25 nor more than \$500 or by imprisonment in
23 the county jail for not less than 30 nor more than 90 days, or by both
24 such fine and imprisonment.~~

25 ~~(b) The board may establish an alternative means of collecting the
26 assessment if another means is found to be more effective and efficient.
27 The board shall **may** assess any charges incurred in conjunction with
28 action to secure compliance with this act by any person who fails to remit
29 any amount due the board under this act.~~

30 ***Sec. 7. The board shall report annually to their respective
31 equine industry members, the secretary and house and senate ag-
32 riculture committees of the Kansas legislature. Such annual report
33 shall include details of commission projects, programs and sup-
34 ported research including expenditures and the results of an annual
35 audit performed by a person or entity that is a certified public
36 accountant.***

37 Sec. ~~7~~ **8.** This act shall take effect and be in force from and after its
38 publication in the statute book.