

Approved: 3-15-94
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson David Corbin at 10:13 a.m. on March 14, 1994 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes
Lila McClaflin, Committee Secretary

Conferees appearing before the committee:
Jamie Clover Adams, Kansas Grain and Feed Association
Kenneth Wilke, Kansas Department of Agriculture

Others attending: See attached list

Chairperson Corbin opened the discussion on HB 3024 - concerning agriculture, and relating to commercial feeding stuffs. He called on Staff to explain the proposed amendments which were distributed in balloon form (Attachment 1).

Staff stated the amendments were requested by Ms. Adams in her testimony. Ms. Wolters stated she had meet with Ms. Adams and Mr. Wilke and they had worked out the proposed amendments in the balloon. Ms. Adams and Mr. Wilke stated they had seen the balloon and they approved of the amendments.

A motion was made by Senator Morris to adopted the amendments as presented in balloon form. Senator Karr seconded the motion. Motion carried. A motion was made by Senator Morris to pass HB 3024 as amended. Senator Sallee seconded the motion. Motion carried.

A motion was made by Senator Frahm to adopt the minutes of March 9. Senator Sallee seconded the motion. Motion carried.

The meeting adjourned at 10:17 a.m.

The next meeting is scheduled for March 15, 1994.

GUEST LIST

COMMITTEE: Senate Agriculture

DATE: 3-14-94

[illegible]

HOUSE BILL No. 3024

By Committee on Agriculture

2-15

9 AN ACT concerning agriculture; relating to commercial feeding
10 stuffs; amending K.S.A. 2-1004, 2-1006, 2-1008, 2-1011 and 2-
11 1013 and repealing the existing sections; also repealing K.S.A. 2-
12 1003, 2-1003a, 2-1006, 2-1007 and 2-1011a.

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

15 New Section 1. (a) No manufacturer, importer, jobber, firm, as-
16 sociation, corporation or person shall sell, offer or expose for sale or
17 distribute in this state any commercial feeding stuffs unless such
18 person holds a valid license for each manufacturing or distribution
19 facility in this state. No license shall be required of persons dis-
20 tributing only packages or containers of a licensed manufacturer ~~or~~
21 ~~distributor~~, importer, jobber, firm, association, corporation or per-
22 son as packaged and labeled by the manufacturer ~~or distributor~~,
23 importer, jobber, firm, association, corporation or person and whose
24 name and address appear on the label as required in K.S.A. 2-1002,
25 and amendments thereto. Any out-of-state manufacturer, importer,
26 jobber, firm, association, corporation or person who has no distri-
27 bution facility within this state shall obtain a license for such ~~entities~~
28 ~~entity's~~ principal out-of-state office if such ~~entity~~ out-of-state man-
29 ufacturer, importer, jobber, firm, association, corporation, person
30 or other entity sells, offers or exposes for sale or distributes any
31 commercial feeding stuffs in this state. Application shall be made on
32 forms prescribed and furnished by the secretary of the board of
33 agriculture. The application shall be accompanied by an annual li-
34 cense fee of \$10. Licenses shall be renewed annually on or before
35 July 1.

36 (b) The secretary, pursuant to rules and regulations, may ~~refuse~~
37 ~~deny~~, suspend, revoke or ~~refuse to renew~~ the commercial feed
38 license ~~applicati~~on if the applicant or the licensee of any manu-
39 facturing or distribution facility is not in compliance with the pro-
40 visions of article 10 of chapter 2 of the Kansas Statutes Annotated,
41 and amendments thereto and any rules and regulations promulgated
42 thereunder. The secretary may ~~cancel~~ deny, suspend, revoke or
43 refuse to renew any commercial feed license subsequently found not

3/10/94

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Attachment
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Shirley R. Co.

1 to be in compliance with any provision of article 10 of chapter 2 of
2 the Kansas Statutes Annotated, and amendments thereto and any
3 rules and regulations promulgated thereunder. No commercial feed
4 license shall be refused or ~~annulled~~ denied, suspended, revoked
5 or refused renewal unless the applicant or licensee has been given
6 an opportunity to be heard before the secretary and given the
7 opportunity to amend the application in order to comply with
8 the requirements of article 10 of chapter 2 of the Kansas Stat-
9 utes Annotated, and amendments thereto for a hearing in ac-
10 cordance with the provisions of the Kansas administrative procedure
11 act.

12 (c) The secretary, pursuant to rules and regulations, may request
13 copies of labels and labeling in order to determine compliance with
14 the requirements of article 10 of chapter 2 of the Kansas Statutes
15 Annotated, and amendments thereto.

16 Section 2. K.S.A. 2-1004 is hereby amended to read as follows:
17 2-1004. (a) Each manufacturer, importer, jobber, firm, association,
18 corporation or person, manufacturing or selling any commercial feed-
19 ing stuffs, shall pay to the secretary of the state board of agriculture
20 an inspection fee of \$.10 per ton of 2,000 pounds, or fraction thereof,
21 for each commercial feeding stuffs sold, offered or exposed for sale
22 or distributed in this state.

23 (b) Each manufacturer, importer, jobber, firm, corporation, as-
24 sociation of persons or person shall ~~(make application to the secretary~~
25 ~~of the state board of agriculture for a permit to)~~ report the tonnage
26 of commercial feeding stuffs sold and shall pay the inspection fee
27 on the basis of such report.

28 (c) In the case of ~~a commercial feeding stuffs which is~~ distributed
29 in the state in packages of 10 pounds or less, an annual fee of \$25
30 shall be paid in lieu of the inspection fee.

31 (d) In the case of specialty pet foods which is distributed in the
32 state in packages of one pound or less, an annual fee of \$15 shall
33 be paid in lieu of the inspection fee.

34 (e) The minimum inspection fee shall be \$15 and shall be paid
35 semiannually.

36 (f) The ~~secretary may grant the permit upon condition that the~~
37 ~~applicant keep such records as may be necessary to indicate accu-~~
38 ~~rately the tonnage of commercial feeding stuffs sold, and as are~~
39 ~~satisfactory to the secretary, and granting the secretary or the se-~~
40 ~~cretary's duly authorized representative permission to verify the~~
41 ~~statement of tonnage. The report shall be filed in the office of the~~
42 ~~secretary of the state board of agriculture, and the report of tonnage~~
43 ~~and inspection fee shall be due semiannually on the first day of~~

to the secretary of the state board of
agriculture

specialty pet foods or pet foods which are

shall

1 commercial feeding stuffs:

2 (A) ~~Unless the manufacturer, importer, jobber, firm, association,~~
3 ~~corporation or person has been issued a permit to pay the inspection~~
4 ~~fee on the report basis; (B) which is not registered unless the~~
5 ~~manufacturer, importer, jobber, firm, association, corporation or~~
6 ~~person has been issued a license for each manufacturing or distri-~~
7 ~~bution facility pursuant to section 1; (C) which is not labeled as~~
8 ~~required by law; (D) which bears a false or misleading statement on~~ (B)
9 ~~the label or the advertising accompanying the commercial feeding~~ (C)
10 ~~stuffs; (E) which is adulterated or contains any substance or sub-~~ (D)
11 ~~stances which may render the commercial feeding stuffs injurious to~~
12 ~~the health of livestock, poultry and pets.~~

13 (2) It shall be deemed a violation of this act for any manufacturer,
14 importer, jobber, firm, association, corporation or person to: (A)
15 Mutilate, destroy, obliterate or remove the label or any part thereof,
16 or do any act which may result in the misbranding or false labeling
17 of such commercial feeding stuffs; (B) fail or neglect to file the
18 tonnage report and pay the inspection fee due thereon as required;
19 (C) file a false report of the tonnage of feeding stuffs sold for any
20 period; (D) impede, obstruct, hinder or otherwise prevent or attempt
21 to prevent said secretary or the secretary's authorized agents in the
22 performance of any duty in connection with the enforcement of the
23 provisions of article 10 of chapter 2 of the Kansas Statutes Annotated
24 and ~~aets amendatory thereof and supplemental amendments~~
25 ~~thereto.~~

26 (3) Any manufacturer, importer, jobber, firm, association, cor-
27 poration or person who shall violate any of the provisions of article
28 10 of chapter 2 of the Kansas Statutes Annotated and ~~aets amen-~~
29 ~~datory thereof and supplemental amendments~~ thereto or the ~~rules~~
30 ~~and regulations promulgated and adopted~~, in a willful or wanton
31 manner shall be guilty of a misdemeanor, and upon conviction thereof
32 shall be fined not more than ~~one hundred dollars (\$100)~~ \$100 for
33 the first violation and not less than ~~one hundred dollars (\$100),~~
34 ~~\$100~~ nor more than ~~five hundred dollars (\$500)~~ \$500 for each
35 subsequent violation.

36 (4) Any commercial feeding stuffs misbranded or adulterated or
37 containing any substance or substances injurious to the health of
38 livestock, poultry or pets or which is offered or exposed for sale in
39 violation of any of the provisions of article 10 of chapter 2 of the
40 Kansas Statutes Annotated and ~~aets amendatory thereof and sup-~~
41 ~~plemental amendments~~ thereto shall be subject to seizure and may
42 be condemned, disposed of or sold as the court may direct; ~~and.~~
43 The proceeds from any such sale, and all penalties recovered shall