

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND LIVESTOCK

The meeting was called to order by Rep. Bill Fuller at
Chairperson

9:00 a.m./~~xxx~~ on February 22, 1983 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

Bruce Hurd, Revisor of Statutes' Office
Raney Gilliland, Legislative Research Department
Kathleen Moss, Committee secretary

Conferees appearing before the committee:

Chairman Fuller told the committee the purpose of today's meeting is to determine whether to introduce as committee bills, the two drafts that were requested earlier.

Staff distributed copies of two proposed bills. Attachment No. 1 which is 3RS 1037 is like the current HB 2136. There was committee discussion regarding liens and priority of liens. Rep. Rezac moved that the committee adopt the bill as a committee bill. The motion was seconded by Rep. Adam. The vote was by show of hands - 8 in favor and 10 opposed, therefore, motion failed.

The second bill draft distributed, Attachment No. 2, is 3 RS 1044 and sets out the definitions for production of organic food products and requirements for labeling such product. Rep. Solbach explained that it is a consumer bill and does not set up any type of government involvement. Rep. Solbach moved the committee introduce this bill as a committee bill. The motion was seconded by Rep. Hamm. Show of hands was requested. The motion failed with 8 in favor and 10 opposed.

Staff said he had copies of the International Grains Program that committee members could pick up. He also told of a conversation with Tom Kennedy, Director of the Alcoholic Beverage Control, regarding the permit to manufacture wine. All one can do is manufacture and sell, but cannot be a distributor. The license fees are high and there is a gallonage tax above that. A manufacturer cannot be a distributor or retail outlet.

The meeting was adjourned at 9:35 a.m.

The next meeting is 9:00 a.m. on February 23, 1983 in Room 423-S.

HOUSE BILL NO. _____

By Committee on Agriculture and Livestock

AN ACT relating to liens on personal property; providing for liens for fertilizer or agricultural chemicals used to produce crops.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) Any person who is regularly engaged in the business of providing and selling fertilizer or agricultural chemicals for the production of crops and who, under mutual open account or other contract with an owner of crops, furnishes fertilizer or agricultural chemicals for production of crops to that owner shall be entitled to a lien on the owner's crops. The lien shall attach to the crops at the time of the planting of the crops.

(b) The lien provided under this section shall be preferred to that of any prior security interest or other encumbrance if a statement of the lien is filed as provided in subsection (c).

(c) Any person claiming a lien under this section shall file a statement of the lien in the manner provided by K.S.A. 58-204 and amendments thereto, in the office of the register of deeds of the county in which the crops are grown. The statement shall describe the land upon which the crops are grown; state the contract price or amount due on the open account for the fertilizer or agricultural chemicals furnished; and state the dates when the fertilizer or agricultural chemicals were furnished. The statement shall be filed not later than 90 days after the fertilizer or agricultural chemicals were furnished.

(d) Any lien provided by this section may be assigned and may be enforced by the person entitled thereto by action brought against the owner of the crops or any secured party or lien claimant or any purchaser who may have acquired any interest in

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the crops subsequent to the date the fertilizer or agricultural chemicals were furnished to the owner. The action to enforce the lien must be brought within 90 days after the filing of the lien statement. If not brought within that time, the lien shall be deemed to have been abandoned and to be void.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE BILL NO. _____

By Committee on Agriculture and Livestock

AN ACT concerning organic food products; relating to the labeling and advertising thereof; providing for enforcement.

Be it enacted by the Legislature of the State of Kansas:

Section 1. As used in this act:

(a) "Processing" means the cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, freezing, sprouting or otherwise manufacturing a food or changing the physical characteristics of a food and the packaging, canning or otherwise enclosing of such food in a container.

(b) "Synthetically compounded" means those products formulated by a process which chemically changes a material or substance extracted from naturally occurring plant, animal or mineral sources, excepting microbiological processes. Microbiological products shall include, but are not limited to, raw manures, composted manures and inoculants.

Sec. 2. To be labeled "natural," "organic," "organically grown," "biologically grown" or by a similar term, a food must be:

(a) A food which has no more than 10% of the level of any pesticide, fungicide or herbicide which the United States food and drug administration regards as a safe level;

(b) a food which is free from artificial flavoring, color additives, chemical preservatives or any other artificial or synthetically compounded ingredient; and one of the following:

(1) An agricultural commodity which has been produced, stored, processed and packaged without the use of synthetically compounded fertilizers, herbicides, fungicides or pesticides, except as otherwise provided in this act for either: (A) Two

years prior to the appearance of flower buds in the case of woody perennial crops and three years prior to the harvest of herbaceous perennial crops; or (B) three years prior to harvest in the case of annual crops. Microorganisms, microbiological products and materials consisting only of, or physically extracted solely from plant, animal or mineral-bearing substances, as well as dormant oils, summer oils, fish emulsions and soap may be used in the production, storage, processing and packaging of commodities in order to meet the requirements of this subsection (b);

(2) processed or manufactured from an agricultural commodity which complies with the requirements of paragraph (1); or

(3) meat, poultry, milk, eggs or other animal products that have been produced without the use of growth stimulants, nonprotein nitrogen sources, pesticides, growth regulators and without the use of antibiotics, except for the treatment of specific disease or malady, in no event administered with 90 days of slaughter or 30 days of collection of eggs or milk. The final 60% of body weight of meat animals must be grown on a ration that has 90% agricultural commodities which comply with paragraph (1) or a feed that complies with paragraph (2). During and 60 days prior to collection of milk or eggs, dairy animals and laying fowl must be fed a ration which contains 90% agricultural commodities which comply with paragraph (1) or a feed that complies with paragraph (2).

Sec. 3. No food which is labeled or advertised as organic, organically grown, biologically grown or by a similar term, may be labeled or advertised as certified unless the name of the person or organization which provides that certification is stated on the label or in the advertisement.

Sec. 4. (a) Every grower who sells a food which is derived from a crop which the grower has grown and which is identified as natural, organic, organically grown or biologically grown or by a similar term, shall keep accurate records of the location of the

acreage used for growing that crop and the additions made to the soil or applied to that crop. These records shall be retained for two years after the food is sold or delivered by the grower.

(b) Every person who processes or manufactures a food which is sold or identified as natural, organic, organically grown, biologically grown or by a similar term shall keep accurate records of the ingredients of that food and the names and addresses of persons from whom the ingredients were purchased. These records shall be retained for two years after the food is sold and delivered.

(c) Every person who sells a food subject to subsection (b) shall keep accurate records of the names and addresses of persons from whom that food was purchased. These records shall be retained for two years after the food is sold and delivered.

(d) A grower, manufacturer or seller of any food subject to subsection (b) shall provide the Kansas state board of agriculture, on demand, with relevant information from the records required under this section.

Sec. 5. The prohibitions contained in this act shall not apply to any person engaged in business as a wholesale or retail distributor of a food labeled or advertised as natural, organic, organically grown or biologically grown or by a similar term except to the extent that such person:

(a) Is engaged in the manufacturing, packaging or labeling of that food;

(b) prescribes or specifies by the specific means prohibited by this act, the manner in which that food is manufactured, packaged or labeled; or

(c) has knowledge of the violation of any provision of this act by any specific batch of that food and continues to sell or distribute that specific batch.

The prohibitions contained in this act shall not apply to any such wholesale or retail distributor who in good faith makes the same representations on a package or label as have been made by the manufacturer, distributor or other person providing the

food to that wholesale or retail distributor;

Sec. 6. (a) Any person, organization or public or private entity, may bring an action in district court pursuant to this section, and such court, upon hearing and for good cause shown, may grant an injunction restraining any person from violating any provision of this act. Such person, organization or entity shall not be required to allege facts necessary to show, or tending to show, lack of adequate remedy at law, irreparable damage or loss or unique or special individual injury or damages.

(b) In addition to the injunctive relief provided in subsection (a), the court may award to such person, organization or entity reasonable attorney fees and damages as determined by the court.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.