

Approved 3-21-84  
Date

MINUTES OF THE House COMMITTEE ON Agriculture and Livestock

The meeting was called to order by the Chairman, Bill Fuller at  
Chairperson

9:00 a.m./p.m. on February 24, 1984 in room 423-S of the Capitol.

All members were present except:

Representatives Niles and Rezac, who were excused.

Committee staff present:

Raney Gilliland, Legislative Research Department  
Norman Furse, Revisor of Statutes Office  
Kathleen Moss, Committee Secretary

Conferees appearing before the committee:

John Blythe, Kansas Farm Bureau

The meeting was called to order by the Chairman, who announced the continuance of hearings on House Bills 2971, 3006 and 3007. He reminded the committee that the package of bills provide funds for research and marketing in Kansas.

John Blythe, Kansas Farm Bureau, testified that his group supports the bills and the testimony which had been previously heard. He stated he feels there is widespread support for this kind of legislation. He distributed proposed amendments which he said would not harm or restrict the bills, but would broaden them in keeping with previous testimony. See Attachment 1 for proposed amendment to HB 3006, and Attachment 2 for proposed amendment to HB 3007.

Rep. Buehler, Chairman of the Subcommittee on HB 2831, relating to deceptive practices in the sale of meat and poultry, distributed copies of the subcommittee report. (See Attachment 3.) He also distributed a proposed balloon amendment. (See Attachment 4.) Rep. Buehler explained the intent of the proposed amendment, stating that the subcommittee felt it made the bill more specific.

It was moved by Rep. Roenbaugh and seconded by Rep. Eckert, that the balloon amendments be adopted. Rep. Solbach offered a substitute motion that the balloon amendment be altered to state the weight in pounds, and allowing the unit to also be stated by portion, serving or liquid measure. The substitute motion was seconded by Rep. Teagarden, and upon vote, carried. It was then moved by Rep. Roenbaugh and seconded by Rep. Eckert that the balloon as amended, be accepted. Motion carried.

Rep. Shelor noted there was a technical problem on Line 182, and moved to change the word "department" to "board". The motion was seconded by Rep. Apt, and upon vote, carried. It was then moved by Rep. Johnson and seconded by Rep. Eckert that HB 2831, as amended, be reported favorably. Motion carried.

Proposed amendments to HB 2891 were distributed. (See Attachment 5.) Attachment 6 is a copy of the present statute. After discussion, it was moved by Rep. Solbach and seconded by Rep. Arbuthnot that the proposed amendments be adopted. Motion carried. It was then moved by Rep. Solbach and seconded by Rep. Goossen that HB 2891, as amended, be recommended for passage. Motion carried.

The meeting was adjourned at 9:50 A.M. The next meeting will be Monday, February 27, 1984, 9:00 A.M., Room 423-S.

Presented to  
House Committee on Agriculture and Livestock

John K. Blythe, Kansas Farm Bureau

Session of 1984

HOUSE BILL No. 3006

By Committee on Agriculture and Livestock

2-14

0016 AN ACT concerning agricultural products; relating to wheat  
0017 marketing and product development research; prescribing  
0018 powers and duties for Kansas state university.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. In addition to other research, Kansas state uni-  
0021 versity shall conduct wheat market and product development  
0022 research for the purposes of developing wheat markets and  
0023 products in areas other than foodstuffs and feedstuffs, research  
0024 with alternate crops, research on ARKAN, wheat and research on

0025 feed wheats. *and other milling wheats*

0026 Sec. 2. The president of Kansas state university shall report  
0027 to the governor and to the legislature on or before January 15  
0028 each year any developments involving the research conducted  
0029 by Kansas state university on wheat, wheat marketing, wheat  
0030 product development and alternate crops and such other matters  
0031 relating thereto as the president deems appropriate.

0032 Sec. 3. This act shall take effect and be in force from and  
0033 after its publication in the statute book.

*grading and inspection standards and procedures  
to insure clear differentiation based on physical  
and biological characteristics, protein content,  
milling and baking qualities and other end-use  
factors of*

*grading and classification standards  
and procedures,*

John K. Blythe Kansas Farm Bureau  
Session of 1984

**HOUSE BILL No. 3007**

By Committee on Agriculture and Livestock

2-14

0016 AN ACT making and concerning appropriations for the fiscal  
0017 year ending June 30, 1985, for Kansas state university and  
0018 state board of agriculture; authorizing certain transfers, im-  
0019 posing certain restrictions and limitations, and directing or  
0020 authorizing certain disbursements and acts incidental to the  
0021 foregoing.

0022 *Be it enacted by the Legislature of the State of Kansas:*  
0023 Section 1. For the fiscal year ending June 30, 1985, appro-  
0024 priations are hereby made, restrictions and limitations are  
0025 hereby imposed, and transfers, disbursements and acts inciden-  
0026 tal to the foregoing are hereby directed or authorized as provided  
0027 in this act.

0028 Sec. 2.

**KANSAS STATE UNIVERSITY**

0031 (a) There is appropriated for the above agency from the state  
0032 general fund the following:

0033	Wheat nonfoodstuff and nonfeedstuff market and product develop-	
0034	ment research .....	\$100,000
0036	Colby experimental station — accelerated research with alternate	
0037	crops .....	50,000
0039	Fort Hays experimental station — accelerated research with alter-	
0040	nate crops .....	50,000
0042	Extension service — distribution and dissemination of alternate	
0043	crop production reports .....	50,000
0045	Research on ARKAN wheat .....	100,000
0047	Research on feed wheats .....	100,000
0049	Total .....	\$450,000

0053 (b) There is appropriated for the above agency from the  
0054 following special revenue fund all moneys now or hereafter  
0055 lawfully credited to and available in such fund, except that  
0056 expenditures shall not exceed the following:

0057	Wheat nonfoodstuff and nonfeedstuff market and product develop-	
0058	ment fund .....	\$50,000

and other milling wheats to insure the correct  
classification and grading of all milling wheats

SUBCOMMITTEE REPORT

February 23, 1984

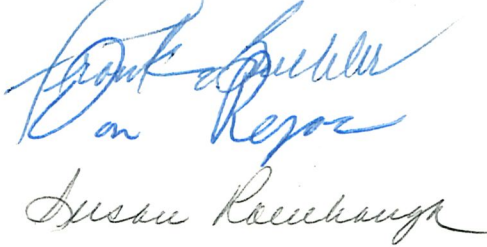
TO: Chairman, House of Representatives Agriculture and Livestock Committee

RE: H.B. 2831

Your subcommittee on H.B. 2831 have met and come to the following conclusions to be recommended to your standing committee.

Because we have determined that the language in the baloon presented would clarify and make more specific the intent of H.B. 2831 and would aid in the implementing of this proposal. We offer this baloon for your consideration and recommend the adoption of these proposals as amendments to H.B. 2831.

We then recommend that H.B. 2831 be reported favorably to the full House of Representatives by your committee.



Subcommittee Members:

Representative Frank Buehler  
Representative Susan Roenbaugh  
Representative Don Reza

FB:bs

# HOUSE BILL No. 2831

By Representative Buehler

2-2

Attachment No. 4

0015 AN ACT relating to meat; prohibiting certain practices in con-  
0016 nection with certain sales; providing civil and criminal pen-  
0017 alties for violations.

0018 *Be it enacted by the Legislature of the State of Kansas:*

0019 Section 1. As used in this act:

0020 (a) "Buyer" means both actual and prospective purchasers  
0021 but does not include persons purchasing for resale.

0022 (b) "Carcass" means any carcass of cattle, sheep, swine, do-  
0023 mestic rabbits or goats.

0024 (c) "Food plan" means any plan under which a person pur-  
0025 chases a food freezer or other refrigerated food storage unit and  
0026 receives food at no cost or at reduced prices at the time of  
0027 purchase or at a later date or dates.

0028 (d) "Misrepresent" means use any untrue, misleading or  
0029 deceptive oral or written statement, advertisement, label, dis-  
0030 play, picture, illustration or sample.

0031 (e) "Person" means individual, partnership, firm, corpora-  
0032 tion, association or other entity.

0033 (f) "Represent" means use any form of oral or written state-  
0034 ment, advertisement, label, display, picture, illustration or sam-  
0035 ple.

0036 (g) "Seller" means any person soliciting or making a sale and  
0037 includes the person's principal or any other person for whom the  
0038 sale is procured.

0039 Sec. 2. No person shall advertise for sale, solicit, offer to sell  
0040 or sell meats or frozen foods intended for storage in locker boxes,  
0041 home freezers or freezer units by newspapers, handbills, pla-  
0042 cards, radio, television or other medium unless the advertising is  
0043 truthful and accurate. Such advertising shall not be misleading or

food; concerning the advertising and selling thereof;

placing certain duties upon the board of agriculture and the secretary of agriculture;

offering meat, poultry or seafood for sale or the offering of such product in combination with each other or with any other food or non-food product or service for a single price

, individual or business entity, corporation, league, franchise, franchisee, franchisor or any authorized representative or agent thereof who offers meat, poultry, seafood, or combinations of such items, for retail purchase to the public

Atch. 4

0044 deceiving in respect to grade, quality, quantity or price per  
0045 pound or piece or in any other manner.

0046 Sec. 3. No person advertising, offering for sale or selling all  
0047 or part of a carcass or food plan shall engage in any misleading or  
0048 deceptive practices, including, but not limited to, any one or  
0049 more of the following:

0050 (a) *Bait Selling.* (1) Disparaging or degrading any product  
0051 advertised or offered for sale by the seller, displaying any prod-  
0052 uct or depiction of a product to any buyer in order to induce the  
0053 purchase of another product or representing that a product is for  
0054 sale when the representation is used primarily to sell another  
0055 product.

0056 (2) Substituting any product for that ordered by the buyer  
0057 without the buyer's consent.

0058 (3) Failing to have available a sufficient quantity of the  
0059 product represented as being for sale to meet reasonable antici-  
0060 pated demands, unless the available amount is disclosed fully  
0061 and conspicuously.

0062 (b) *Price Representation.* (1) Using any price list related to  
0063 the seller's food plan which contains prices other than the  
0064 seller's current billing prices.

0065 (2) Misrepresenting the amount of money that the buyer will  
0066 save on purchases of any products which are not of the same  
0067 grade or quality.

0068 (3) Failing to disclose fully and conspicuously in at least  
0069 ten-point type any charge for cutting, wrapping, freezing, deliv-  
0070 ery or other services.

0071 (4) Representing the price of any product to be offered for  
0072 sale in units larger than one pound in terms other than price per  
0073 single pound.

0074 (c) *Product Representation.* (1) Misrepresenting the cut,  
0075 grade, brand or trade name, or weight or measure of any product.

0076 (2) Using the abbreviation "U.S." in describing a product not  
0077 graded by the United States department of agriculture, except  
0078 that a product may be described as "U.S. Inspected" when true.

0079 (3) Referring to a quality grade other than the United States  
0080 department of agriculture quality grade, unless the grade name is

written

or advertisement subject to changes without notice unless so stated, and which contains prices other than the seller's current billing prices, unless changes are subject to consumer's advance acceptance or rejection at or before the time of order or delivery

in advertisement and invoice

In addition, the price of such units also may be represented by individual serving or by fluid measure.

00 preceded by the seller's name in type at least as large and  
0082 conspicuous as the grade name.

0083 (4) Misrepresenting a product through the use of any term  
0084 similar to a government grade. \*

0085 (5) Failing to disclose in uniform ten-point type, when a  
0086 yield grade is advertised, a definition of the yield grade in the  
0087 following terms:

0088 Yield Grade 1 - Extra lean

0089 Yield Grade 2 - Lean

0090 Yield Grade 3 - Average waste

0091 Yield Grade 4 - Wasty

0092 Yield Grade 5 - Exceptionally wasty

0093 (6) Comparing quality to a United States department of agri-  
0094 culture yield grade, unless it is fully and conspicuously disclosed  
0095 that the quality is not a U.S.D.A. yield grade but only an opinion. °

0096 (7) Advertising or offering for sale any combinations of parts  
0097 of carcasses with one unit price, except when the advertisement  
0098 or offer for sale pertains to combinations consisting only of  
0099 poultry or poultry products.

0100 (8) Failing to disclose fully and conspicuously the correct  
0101 government grade for any product if the product is represented  
0102 as having been graded.

0103 (9) Failing to disclose fully and conspicuously that the yield  
0104 of consumable meat from any carcass or part of a carcass will be  
0105 less than the weight of the carcass or part of the carcass. The  
0106 seller shall, for each carcass or part of carcass advertised, use  
0107 separately and distinctly, in at least ten-point type, the following  
0108 disclosure: "Sold hanging weight subject to cutting loss."

0109 (10) Misrepresenting the amount or proportion of retail cuts  
0110 that a carcass or part of carcass will yield.

0111 (11) Failing to disclose fully and conspicuously whether a  
0112 quarter of a carcass is the front or hind quarter, and quarters,  
0113 sides or halves must consist of only anatomically natural propor-  
0114 tions of cuts from front or hind quarters.

0115 (12) Representing any part of a carcass as a "half" or "side"  
0116 unless it consists exclusively of a front and hind quarter. Both  
0117 quarters must be from the same side of the same animal unless

carcasses, sides or primal cuts as such, while in-  
cluding disproportionate numbers or amounts of less  
expensive components of those cuts, or offering  
them in tandem with less expensive components from  
other carcasses, sides or primal cut parts

0118 the seller discloses fully and conspicuously that they are from  
0119 different sides or different animals, as the case may be. Any  
0120 section advertised and offered for sale either as an individual  
0121 unit or as an inclusion with the purchase of a quarter, side or half  
0122 must be described and called by its commonly known name.  
0123 Each quarter shall be of the same grade or quality as the other  
0124 quarter comprising the half or side and the seller shall advise the  
0125 buyer of the weight of each quarter prior to sale. In selling  
0126 quarters individually or as part of a half or side, if actual weights  
0127 are not known or cannot be determined prior to sale, approx-  
0128 imate weights may be used if: (A) The buyer is informed that the  
0129 weights are approximate; (B) the weights are so identified on any  
0130 purchase order or contract; and (C) the seller agrees with the  
0131 buyer, in writing, to make a cash refund or grant a credit on  
0132 delivery for the difference between actual weight and the ap-  
0133 proximate weight on which the sale was made.

the advertised weight ranges do not cover a spread of more than 10%

0134 (13) Using the words "bundle," "sample order," "split side"  
0135 or words of similar import to describe a quantity of meat or  
0136 poultry unless the seller itemizes each cut and the weight of each  
0137 cut which the buyer will receive.

0138 (14) Advertising or offering a free, bonus or extra product or  
0139 service combined with or conditioned on the purchase of any  
0140 other product or service unless the additional product or service  
0141 is accurately described, including, whenever applicable, grade,  
0142 net weight or measure, type and brand or trade name. The words  
0143 "free," "bonus" or other words of similar import shall not be  
0144 used in any advertisement unless the advertisement clearly and  
0145 conspicuously sets forth the total price or amount which must be  
0146 paid to entitle the buyer to the additional product or service.

purchased

0147 (15) Misrepresenting the breed, origin or diet of slaughtered  
0148 animals or parts of slaughtered animals offered for sale. Sellers  
0149 making claims as to breed, origin or diet shall have written  
0150 records available to substantiate the claims.

0151 Sec. 4. (a) Any person who violates any provision of this act  
0152 is guilty of a class C misdemeanor for the first conviction, a class  
0153 B misdemeanor for the second conviction and a class A mis-  
0154 demeanor for a third or subsequent conviction.



0155 (b) In addition to or instead of the criminal penalties pro-  
0156 vided by subsection (a), a person who violates any provision of  
0157 this act shall be liable to the aggrieved buyer, or the state or a  
0158 county as provided in this subsection, for the payment of a civil  
0159 penalty, recoverable in an individual action, including an action  
0160 brought by the attorney general or county or district attorney, in a  
0161 sum set by the court at not more than \$2,000 for each violation.

0162 An aggrieved buyer is not a required party in actions brought  
0163 by the attorney general or a county or district attorney pursuant  
0164 to this subsection. In administering and pursuing actions under  
0165 this subsection, the attorney general or the county or district  
0166 attorney is authorized to sue for and collect reasonable expenses  
0167 and investigation fees as determined by the court. Civil penalties  
0168 sued for and recovered by the attorney general shall be paid into  
0169 the general fund of the state. Civil penalties sued for and re-  
0170 covered by the county or district attorney shall be paid into the  
0171 general fund of the county where the proceedings were insti-  
0172 gated.

0173 (c) An individual who violates any provision of this act while  
0174 acting in the name of or on behalf of any person is liable to the  
0175 same extent as if the individual were acting in the individual's  
0176 own name or own behalf.

0177 Sec. 5. (a) The board of agriculture and the secretary of  
0178 agriculture shall provide, in conjunction with the inspection  
0179 program established under K.S.A. 65-6a30 and amendments  
0180 thereto, for inspection of places of business of sellers who are  
0181 subject to this act.

and in addition to

0182 (b) Personnel of the department of agriculture designated by  
0183 the secretary of agriculture shall have access to those places of  
0184 business during regular business hours for the purpose of in-  
0185 specting carcasses or parts of carcasses sold by the seller and  
0186 observing the sales practices of the seller to determine whether  
0187 there is compliance with the provisions of this act.

0188 (c) The secretary of agriculture, or personnel designated by  
0189 the secretary, shall report any suspected violations of this act to  
0190 the county or district attorney of the county where the alleged  
0191 violation occurred.

Sec. 6. The remedies provided in this act are in addition to and not in substitution for any other remedies provided by law.

0192 Sec. 6 This act shall take effect and be in force from and  
0193 after its publication in the statute book.

7

Proposed Amendments to House Bill No. 2891

Be amended:

On page 1, by striking all of lines 20 to 29, inclusive, and by inserting in lieu thereof the following:

"Section 1. K.S.A. 21-1213 is hereby amended to read as follows: 21-1213. It shall be unlawful:

(a) For any person, except an--accredited a licensed veterinarian, to inject into any animal any live brucella abortus strain 19 vaccine; or

(b) for any person, except a licensed veterinarian or a person acting under the supervision of a licensed veterinarian, to inject into any animal rabies vaccine; or

~~(b)~~ (c) for any person to sell, or offer for sale, rabies vaccine or the live brucella abortus strain 19 vaccine to another unless the vendor is:

(1) A manufacturer thereof;

(2) a distributor of veterinarian supplies; or

(3) a veterinarian ~~registered~~ licensed in Kansas under ~~and in--conformity--with~~ the provisions of article 8 of chapter 47 of the Kansas Statutes Annotated, and acts amendatory of the provisions thereof and supplemental thereto, and unless the purchaser is ~~an--authorized~~ a licensed veterinarian or a distributor of veterinarian supplies.

Sec. 2. K.S.A. 21-1213 is hereby repealed."

Also on page 1, in line 30, by striking "2" and inserting in lieu thereof "3";

Also on page 1, in the title, line 18, by inserting before the period the following: "making certain acts unlawful; amending K.S.A. 21-1213 and repealing the existing section.";

Attachment 70-1

R.S. 1969,  
R.S. 1,  
L. 1923,  
§ 21-  
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R.S. 369,  
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21-1203; Repealed, L. 1969, ch. 180, § 21-4701; July 1, 1970.

**21-1204, 21-1205.**

**History:** L. 1886, ch. 158, §§ 1, 2; R.S. 1923, 21-1204, 21-1205; Repealed, L. 1969, ch. 180, § 21-4701; July 1, 1970.

**21-1206.**

**History:** L. 1886, ch. 157, § 1; L. 1907, ch. 192, § 1; R.S. 1923, 21-1206; L. 1943, ch. 199, § 1; Repealed, L. 1969, ch. 180, § 21-4701; July 1, 1970.

**21-1207.**

**History:** L. 1886, ch. 157, § 2; R.S. 1923, 21-1207; Repealed, L. 1969, ch. 180, § 21-4701; July 1, 1970.

**21-1208.**

**History:** L. 1886, ch. 157, § 3; R.S. 1923, 21-1208; L. 1943, ch. 199, § 2; Repealed, L. 1969, ch. 180, § 21-4701; July 1, 1970.

**21-1209.**

**History:** R.S. 1923, 21-1209; Repealed, L. 1947, ch. 305, § 8; March 25.

**Source or prior law:**

G.S. 1868, ch. 31, p. 385, §§ 1, 4; L. 1886, ch. 157, § 4; L. 1911, ch. 167, § 1; Revised, 1923.

**Revisor's Note:**

New act, see 47-1219.

**CASE ANNOTATIONS**

1. Sufficiency of complaint considered. The State v. Wahl, 35 K. 608, 11 P. 911.

**21-1210.**

**History:** G.S. 1868, ch. 31, § 2; R.S. 1923, 21-1210; Repealed, L. 1945, ch. 254, § 12; July 1.

**CASE ANNOTATIONS**

1. Sufficiency of complaint considered. The State v. Knowles, 34 K. 393, 397, 8 P. 861.

**21-1211.**

**History:** G.S. 1868, ch. 31, § 3; R.S. 1923, 21-1211; Repealed, L. 1969, ch. 180, § 21-4701; July 1, 1970.

**21-1212.**

**History:** L. 1909, ch. 178, § 1; R.S. 1923, 21-1212; Repealed, L. 1969, ch. 180, § 21-4701; July 1, 1970.

**CASE ANNOTATIONS**

1. Prosecution hereunder for maintaining nuisance; act not unconstitutional for being too vague in terms; terms "clean and unclean" considered. State v. Johnson, 196 K. 208, 210, 211, 212, 213, 215, 410 P.2d 423.

**21-1213.** Unlawful sales or injections

of live brucella abortus strain 19 vaccine. It shall be unlawful: (a) For any person, except an accredited licensed veterinarian, to inject into any animal any live brucella abortus strain 19 vaccine; or

(b) For any person to sell, or offer for sale, the live brucella abortus strain 19 vaccine to another unless the vendor is (1) a manufacturer thereof, (2) a distributor of veterinarian supplies or (3) a veterinarian registered in Kansas under and in conformity with the provisions of article 8 of chapter 47 of the Kansas Statutes Annotated, and acts amendatory thereof, and unless the purchaser is an authorized licensed veterinarian or a distributor of veterinarian supplies.

**History:** L. 1969, ch. 262, § 1; July 1.

**21-1214.** Same; penalties. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than twenty-five (\$25) nor more than five hundred dollars (\$500), or shall be imprisoned in the county jail for not more than six (6) months, or by both such fine and imprisonment.

**History:** L. 1969, ch. 262, § 2; July 1.

**Article 13.—FLAGS AND BADGES**

**Revisor's Note:**

For comparable sections in new criminal code, see table preceding article 31.

**21-1301.**

**History:** L. 1905, ch. 208, § 1; R.S. 1923, 21-1301; Repealed, L. 1969, ch. 180, § 21-4701; July 1, 1970.

**CASE ANNOTATIONS**

1. Blacksmith shop is public place within section. The State v. Shumaker, 103 K. 741, 175 P. 978.

2. Previous contemptuous language may be shown in evidence. The State v. Shumaker, 103 K. 741, 175 P. 978.

3. Particular language held punishable. The State v. Shumaker, 103 K. 741, 175 P. 978.

4. Cited; identical Nebraska act held constitutional by U.S. Supreme Court. State v. Smith, 155 K. 588, 590, 127 P.2d 518.

**21-1302, 21-1303.**

**History:** L. 1905, ch. 208, §§ 2, 3; R.S. 1923, 21-1302, 21-1303; Repealed, L. 1969, ch. 180, § 21-4701; July 1, 1970.

**21-1304.**

**History:** G.S. 1868, ch. 31, § 4; R.S.

Atch. 6