

Approved 03/05/87  
Date

MINUTES OF THE HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT

The meeting was called to order by Phil Kline at  
Chairperson

3:30 a.m./p.m. on Thursday, February 19, 1987 in room 423-S of the Capitol.

All members were present except: Aylward, Hoy (Excused)

Committee staff present:  
Jim Wilson, Revisor  
Lynn Holt, Research  
Molly Mulloy, Secretary

Conferees appearing before the committee:

Rep. Bruce Larkin  
David Barkley, Dept of Commerce

Chairman Kline called the meeting to order and invited Rep. Larkin to the podium. Rep. Larkin requested that a committee bill be introduced in regard to the marketing of organic food products. He distributed copies of a 1981 bill (H.B. 2444, Attachment 1) which was similar to what he was requesting. Rep. Foster moved to introduce the committee bill, Rep. Teagarden seconded and the motion carried.

David Barkley also had a request for a committee bill. He distributed copies (Att.2) of the Community Resource Act with balloon amendments included, which would transfer responsibility for the Community Resource Act from the Department of Commerce to Kansas State University. Rep. Chronister moved that the bill be introduced, Rep. Weiner seconded and the motion carried.

Chairman Kline announced that H.B. 2076, the corporate farming bill, will be carried over until next year. He stated that the pork producers felt that they had had limited opportunity for input and that the chairman of the Agriculture Task Force agreed. He also noted that in lengthy committee hearings and discussions, it was apparent that many committee members needed more information on this issue. Chairman Kline said that the Joint Committee on Economic Development could properly work on this bill during the summer.

H.B. 2073: Chairman Kline opened the discussion on this bill by saying that the bill adds community colleges to an existing capital outlay act. He stated that it was the Economic Development Commission's intent that this be managed by KTEC but that as the bill was written, it would be with the state Department of Education. He suggested that the committee might take a substitute bill and change management from the Department of Education to KTEC and not link to vocational technical schools. Rep. Foster moved to have the substitute drafted which would amend this bill by substituting a new bill. Rep. Miller seconded and the motion carried. Jim Wilson will prepare a draft of the amended bill and bring to next week's committee meeting. He noted that the bill will have the same number.

The meeting adjourned at 3:50pm. The next scheduled meeting is for Monday, February 16, 1987.

Date:

2/19/87

GUEST REGISTER

HOUSE

Committee on Economic Development

NAME

ORGANIZATION

ADDRESS

John Hanno

Associated Press

Topeka

Bruce Tarkin

Rep

David Barclay

DOC

Topeka

Walt Chappell

Farm Advocate Network

Chanute

0120 tending to show, lack of adequate remedy at law, or to show, or  
 0121 tending to show, irreparable damage or loss, or to show, or  
 0122 tending to show, unique or special individual injury or damages.  
 0123 (b) In addition to the injunctive relief provided in subsection  
 0124 (a), the court may award to such person, organization or entity  
 0125 reasonable attorney's fees and damages as determined by the  
 0126 court.  
 0127 Sec. 7. This act shall take effect and be in force from and after  
 0128 its publication in the statute book.

Session of 1981

**HOUSE BILL No. 2444**

By Representatives Branson and Solbach

2-11

0017 AN ACT concerning organic food products; relating to the label-  
 0018 ing and advertising thereof; providing for enforcement.

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

0020 Section 1. As used in this act:

0021 *(a)* Raw agricultural commodity means an agricultural  
 0022 commodity which has been produced, stored, processed and  
 0023 packaged without the use of synthetically compounded fertiliz-  
 0024 ers, herbicides, fungicides or pesticides, except as otherwise  
 0025 provided in this document for either: (1) Two years after the  
 0026 appearance of flower buds in the case of woody perennial crops  
 0027 and three years prior to the harvest of herbaceous perennial crops;  
 0028 or (2) three years prior to the harvest in the case of annual crops.

0029 (b) "Processing" means the cooking, baking, heating, drying,  
 0030 mixing, grinding, churning, separating, extracting, cutting, freez-  
 0031 ing or otherwise manufacturing a food or changing the physical  
 0032 characteristics of a food and the packaging, canning or otherwise  
 0033 enclosing of such food in a container.

0034 (c) "Synthetically compounded" means those products for-  
 0035 mulated by a process which chemically changes a material or  
 0036 substance extracted from naturally occurring plant, animal or  
 0037 mineral sources, excepting microbiological processes. Microbio-  
 0038 logical products shall include, but are not limited to, raw ma-  
 0039 nures, composted manures and inoculants.

0040 Sec. 2. To be labeled "organic," ~~"organically grown," "bio-~~  
 0041 ~~logically grown"~~ or a similar term, a food must be: (a) A raw  
 0042 agricultural commodity. Microorganisms, microbiological prod-  
 0043 ucts and materials consisting only of, or derived or extracted  
 0044 solely from plant, animal or mineral-bearing rock substances, as  
 0045 well as dormant oils, summer oils, fish emulsions and soap may

Att. 1 2/19/87

0046 be used in the production, storage, processing and packaging of *organic*  
 0047 raw agricultural commodities in order to meet the requirements  
 0048 of this subsection (a);

0049 (b) processed or manufactured from <sup>an organic</sup> a raw agricultural com-  
 0050 modity which complies with the requirements of subsection (a);

0051 (c) meat, poultry, milk, eggs and other animal products that:

0052 (1) Have been produced without the use of growth stimulants,  
 0053 non-protein nitrogen sources, pesticides, growth regulators and  
 0054 without the use of antibiotics, except for the treatment of specific  
 0055 disease or malady, in no event administered within 90 days of  
 0056 slaughter or 30 days of collection of eggs or milk; and (2) the final  
 0057 60% of body weight of meat animals must be raised on a ration

0058 that has 90% raw agricultural commodities which comply with *95%*  
 0059 subsection (a); milk and dairy animals and laying fowl must be  
 0060 raised on a ration which contains 90% raw agricultural commod-  
 0061 ities which comply with subsection (a) or a feed that complies  
 0062 with subsection (b);

0063 (d) a food which is free from artificial flavoring, color addi-  
 0064 tives, chemical preservatives or any other artificial or synthetic  
 0065 ingredient; and

0066 (e) a food which has no more than 10% of the level of any  
 0067 pesticide, fungicide or herbicide which the United States food  
 0068 and drug administration regards as a safe level.

0069 Sec. 3. No food which is labeled or advertised as organic,  
 0070 ~~organically grown, biologically grown or by a similar term~~, may  
 0071 be labeled or advertised as certified unless the name of the person  
 0072 or organization which provides that certification is stated on the  
 0073 label or in the advertisement.

0074 Sec. 4. (a) Every grower who sells a food which is derived  
 0075 from a crop which the grower has grown and which is identified  
 0076 as organic, ~~organically grown or biologically grown or by a~~  
 0077 similar term, shall keep accurate records of the location of the  
 0078 acreage used for growing that crop and the additions made to the  
 0079 soil or applied to that crop. These records shall be retained for  
 0080 two years after the food is sold or delivered by the grower.

0081 (b) Every person who processes or manufactures a food  
 0082 which is sold or identified as ~~natural~~, organic, organically grown,

0083 ~~biologically grown or by a similar term~~ shall keep accurate  
 0084 records of the ingredients of that food and the names and ad-  
 0085 dresses of persons from whom the ingredients were purchased.  
 0086 These records shall be retained for two years after the food is sold  
 0087 and delivered.

0088 (c) Every person who sells a food subject to subsection (b),  
 0089 shall keep accurate records of the names and addresses of persons  
 0090 from whom that food was purchased. These records shall be  
 0091 retained for two years after the food is sold and delivered.

0092 (d) A grower, manufacturer or seller of any food subject to  
 0093 subsection (b) shall provide the Kansas state board of agricul-  
 0094 on demand, with relevant information from the records required  
 0095 under this section.

0096 Sec. 5. The prohibitions contained in this document shall not  
 0097 apply to any person engaged in business as a wholesale or retail  
 0098 distributor of a food labeled or advertised as ~~natural~~, organic,  
 0099 ~~organically grown or biologically grown or by a similar term~~  
 0100 except to the extent that such person:

0101 (a) Is engaged in the manufacturing, packaging or labeling of  
 0102 that food;

0103 (b) the prohibitions contained in this act shall not apply to  
 0104 any such wholesale or retail distributor who in good faith makes  
 0105 the same representations on a package or label as have been made  
 0106 by the manufacturer, distributor or other person providing  
 0107 food to that wholesale or retail distributor;

0108 (c) prescribes or specifies by the specific means prohibited by  
 0109 this act, the manner in which that food is manufactured, pack-  
 0110 aged or labeled; or

0111 (d) has knowledge of the violation of any provision of this act  
 0112 by any specific batch of that food and continues to sell or  
 0113 distribute that specific batch.

0114 Sec. 6. (a) Any person, organization or public or private en-  
 0115 tity, may bring an action in district court pursuant to this section,  
 0116 and such court, upon hearing and for good cause shown, may  
 0117 grant an injunction restraining any person from violating any  
 0118 provision of this act, except that such person, organization or  
 0119 entity shall not be required to allege facts necessary to show, or

Attachment 2 2/19/77

74-5021. Community resource act; citation. This act shall be known and may be cited as the community resource act.

History: L. 1979, ch. 272, § 1; July 1.

74-5022. Same; legislative findings and declaration; purpose of act. It is hereby found and declared that community resource programs are a means for people throughout the state to share their skills and knowledge with one another through educational programs and other projects and thereby to perpetuate the concept of volunteerism and enhance the quality of life in Kansas; and therefore it is in the public interest of the state, and it is the purpose of this act, to provide financial assistance for community resource programs in order to encourage the establishment of such programs and to provide support for the growth and development of those currently in existence.

History: L. 1979, ch. 272, § 2; July 1.

74-5023. Same; definitions. As used in this act: (a) "Community resource program" means a program designed and established in response to the educational, recreational, social and cultural needs of a community and which is operated by residents of the community who volunteer their talent, skills and knowledge in offering courses and activities for all the residents of the community.

(b) "Local organization" means non-profit organizations which are organized under public or private auspices especially for the purpose of establishing and operating community resource programs, free universities, community education programs or other community programs or ser-

VICES, or for purposes primarily concerning the general welfare of the community.

(c) "Public or private auspices" means counties, cities, townships, towns, villages, recreation commissions, councils or departments, or private and independent groups of community residents and volunteers.

History: L. 1979, ch. 272, § 3; July 1.

74-5024. Same; secretary of economic development; administration of act; allocation and distribution of grants; powers, duties, functions. The secretary of economic development, hereinafter referred to as the secretary, shall administer this act, shall be responsible for the allocation and distribution of grants-in-aid to eligible local organizations for community resource programs in accordance with appropriations therefor and, in addition, shall have and may exercise the following powers, duties and functions:

(a) Review and evaluate community resource programs, applications for grants-in-aid and budgets of local organizations;

(b) establish standards and criteria for assigning priorities, on the basis of community needs assessments, among local organizations for the allocation and distribution of grants-in-aid;

(c) provide consultation and assistance to local organizations in the establishment, operation and coordination of community resource programs;

(d) make studies and gather and disseminate information relating to materials, resources, procedures, programs and personnel which are available for use in community resource programs;

(e) adopt rules and regulations for the approval of applications of local organizations and such other rules and regulations as may be necessary to administer the provisions of this act.

History: L. 1979, ch. 272, § 4; July 1.

74-5025. Same; training and technical assistance. The secretary is hereby authorized to provide or contract for services in training and technical assistance to any local organization in connection with the establishment and operation of any community resource program. Such services may include workshops, meetings, conferences, publications and in-person visits to program sites. Contracts hereunder may be

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The Assistant Provost of the Division of Continuing Education at Kansas State University, hereinafter referred to as the Assistant Provost

The Assistant Provost

made and entered into with any individual, agency, association or institution which has the capability of providing statewide technical assistance and has ability and experience in the areas of training and community or human resources.

History: L. 1979, ch. 272, § 5; July 1.

74-5026. Same; application for grants; form, manner, time; approval; certified budget. Each eligible local organization which has established or proposes to establish a community resource program and desires to secure grants-in-aid for part of the cost of establishing and operating the same shall submit an application therefor to the secretary for approval or rejection. Said application shall be submitted in a form and manner prescribed by the secretary. It shall contain such information as the secretary shall require and shall be submitted annually at a time determined and specified by the secretary. Approval of the application by the secretary shall be prerequisite to distribution of grants-in-aid to any local organization. Any such local organization shall certify and submit to the secretary with its application the budget for operating the community resource program for the year.

History: L. 1979, ch. 272, § 6; July 1.

74-5027. Same; contents of application. In order to be approved for grants-in-aid, any application under K.S.A. 74-5028 shall contain the following information:

(a) A community needs assessment including a showing of the absence or insufficiency within the community of programs which are similar to the community resource program;

(b) evidence of joint planning and cooperation with public and private sponsors of similar community based programs and provisions for the coordination of the community resource program with such other similar programs;

(c) a plan for operation of the local organization including its structure, activities, meetings and staff, if any;

(d) evidence of the availability and sufficiency of financial support for the community's share of the cost, and evidence of financial ability to continue the community resource program after termination of eligibility for grants-in-aid;

(e) evidence of the formation of a local

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IONS AND AUTHORITIES

advisory council which shall be representative of the community to be served and shall provide support and guidance in determining the needs of the community and in selecting and developing activities for the community resource program; and

(f) such additional information as requested by the ~~secretary~~

History: L. 1979, ch. 272, § 7; July 1

The Assistant Provost

74-5028. Same; grants; amounts; limitations; allocation; reports. (a) Grants-in-aid under the provisions of this act shall only supplement funds from other sources available to the local organization and shall be determined according to the following formula: (1) For the first year in which the local organization submits an application, an amount equal to seventy-five percent (75%) of the certified budget for a community resource program or six thousand dollars (\$6,000), whichever is the lesser amount; (2) for the second year, an amount equal to fifty percent (50%) of the certified budget or four thousand dollars (\$4,000), whichever is the lesser amount; and (3) for the third year, an amount equal to twenty-five percent (25%) of the certified budget or two thousand dollars (\$2,000), whichever is the lesser amount. After receiving grants-in-aid for three years, the eligibility of a local organization therefor shall terminate.

The Assistant Provost

(b) If the amount appropriated in any year for community resource programs shall be insufficient to pay the full amount of grants-in-aid approved by the ~~secretary~~; then the amount appropriated shall be allocated on the basis of priorities established and assigned by the ~~secretary~~.

The Assistant Provost

(c) Every local organization shall make such periodic and special reports of statistical and financial information to the ~~secretary~~ as may be requested.

History: L. 1979, ch. 272, § 8; July 1.

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74-5029. Declaration of public policy; development of agricultural products. It is hereby declared to be the public policy of the state of Kansas to encourage and assist the development and expansion of new uses of agricultural products including agricultural ethyl alcohol, including the use by the state of Kansas and all political and taxing subdivisions thereof.

History: L. 1979, ch. 323, § 2; May 18.

Cross References to Related Sections:  
Casohol, see 79-3408.