

## HOUSE BILL No. 2099

By Committee on Agriculture and Natural Resources

1-26

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1 AN ACT concerning agriculture; establishing a Kansas goat council.

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

4 Section 1. (a) There is hereby created the Kansas goat council.

5 (1) The council shall consist of seven members who shall be elected  
6 at the annual meeting of the Kansas meat goat association. The board of  
7 directors of the Kansas meat goat association shall act as interim council  
8 members until council members can be elected and qualified. Vacancies  
9 which may occur shall be filled for unexpired terms by the board of  
10 directors of the Kansas meat goat association from among the producers  
11 of the state. Each council member appointed on and after the effective  
12 date of this act, other than a council member appointed to fill a vacancy  
13 for an unexpired term, shall be elected for a term of four years except that  
14 three of the council members first elected on and after the effective date  
15 of this act shall be elected for a term of two years. No member may serve  
16 more than one consecutive term. Upon the expiration of a term of a  
17 member of the council, such member shall continue to serve as a member  
18 of the council until a successor to such member is elected and qualified.

19 (2) Every member of the council shall be a resident of Kansas and  
20 shall have been an active producer in this state for at least five years  
21 immediately preceding their appointment. Of such members, one member  
22 shall be a goat feeder and stocker, one member shall have a dairy goat  
23 herd, two members shall have meat goat herds, one member shall produce  
24 purebred goats and two members shall be from producers at large. The  
25 selections shall be made from nominations for each respective position by  
26 each respective producer group. The elections shall be held at an open  
27 session to all goat producers at the annual meeting of the Kansas meat  
28 goat association.

29 (3) The dean of the college of agriculture of Kansas state university  
30 or the dean's representative and the secretary or the secretary's designee  
31 shall serve as ex officio nonvoting members of the board.

32 (4) The council shall select annually from among the council's  
33 members a chairperson and other officers as necessary, establish  
34 committees and subcommittees of the council and adopt rules, regulations  
35 and bylaws for the purpose of conducting business. Payment of  
36 compensation and other expenses to council members shall be at the

1 discretion of a majority of the council.

2 (5) A member of the council may cease to hold such member's  
3 position on the council for failure to attend two or more regular meetings  
4 of the council or ceasing to be a producer. Dismissal as a member of the  
5 council shall be at the discretion of a majority of the council upon a duly  
6 adopted resolution by the council dismissing such member.

7 (6) The council shall be subject to the Kansas open meetings act and  
8 shall require reports on the activities of the committees and  
9 subcommittees and on compliance, violations and complaints regarding  
10 the implementation of this act. The council shall meet no less than once  
11 every calendar quarter and shall hold an annual meeting which shall be  
12 open to the public. The day, time and place of each meeting shall be  
13 determined by the council.

14 (b) In the administration of this act, the council shall have the  
15 following duties, authorities and powers:

16 (1) To conduct a campaign of market development, through  
17 research, education or promotion;

18 (2) to find new markets for goats and their meat products;

19 (3) to accept grants and donations;

20 (4) to sue and be sued;

21 (5) to enter into such contracts as may be necessary or advisable for  
22 the purpose of this act;

23 (6) to appoint an administrator who is knowledgeable about the goat  
24 industry and fix such administrator's compensation. Upon approval of the  
25 council, such administrator may appoint other personnel as is needed;

26 (7) to cooperate or contract with any local, state or national  
27 organization or agency, whether voluntary or created by the law of any  
28 state, or by national law, engaged in work or activities similar to the work  
29 and activities of the council, and to enter into contracts and agreements  
30 with such organizations or agencies for the purpose of carrying on a joint  
31 campaign of research, education or promotion;

32 (8) to establish an office of the administrator at any place in this  
33 state the council may select;

34 (9) to adopt, rescind, modify and amend all necessary and proper  
35 orders, resolutions and rules and regulations for the procedure and  
36 exercise of its powers and the performance of its duties; and

37 (10) to approve an annual budget and establish a reserve. Each  
38 market research project budgeted and approved by the council shall  
39 include a stated objective and anticipated results. In the council's annual  
40 report to the industry, the council shall include those objectives and actual  
41 results.

42 (c) An assessment to be set by the council at not more than \$.50 per  
43 head for each sale transaction or slaughter transaction for each goat of all

1 classes shall be imposed on the seller at the time of delivery of the goat to  
2 the purchaser who shall deduct the assessment from the price paid to the  
3 seller at the time of sale. If the seller sells, ships or otherwise disposes of  
4 a goat to a purchaser outside the state of Kansas, the seller shall deduct  
5 the assessment from the amount received from the sale. Any goat owned  
6 less than 30 days or any goat less than 30 days of age shall be exempt  
7 from such assessment.

8 (1) The council shall not change the assessment rate, either to  
9 increase or reduce, more than once a year. The administrator shall furnish  
10 receipt forms to every purchaser which shall be issued by such purchaser  
11 to the seller upon payment of such assessment. The form shall indicate  
12 the procedure by which the seller may obtain a refund of any such  
13 assessment, except a refund shall not be issued unless the amount of the  
14 refund is \$5 or more. Within one year after any such sales during such  
15 period, the seller, upon submission of a request to the administrator, may  
16 obtain such refund in the amount of the assessment deducted by the  
17 purchaser. Such request shall be accompanied by evidence of the payment  
18 of the assessment which need not be verified.

19 (2) The council shall keep complete records of all refunds made  
20 under the provisions of this section. Records of refunds may be destroyed  
21 two years after such refund is made. All funds expended in the  
22 administration of this act for the payment of claims growing out of the  
23 performance of duties or activities pursuant to this act shall be paid from  
24 the proceeds derived from such act.

25 (3) In the case of a lien holder who is a first purchaser, the  
26 assessment shall be deducted by the lien holder from the proceeds of the  
27 claim secured by such lien at the time the goats or their products are  
28 pledged or mortgaged. The assessment shall constitute a preferred lien  
29 and shall have priority over all other liens and encumbrances upon such  
30 goats or their products. The assessment shall be deducted and paid as  
31 herein provided whether such goats or their products are in this or any  
32 other state.

33 (d) Assessments collected pursuant to subsection (c) are payable to  
34 the council on a monthly basis by the 20th of the month following the  
35 month of collection. If payment is not made to the council by the due  
36 date under this subsection, an interest penalty of 1% of any amount  
37 unpaid shall be added for each month or fraction of a month after the due  
38 date, until final payment is made. The council may establish a late  
39 payment charge and rate of interest to be imposed on any person who  
40 fails to remit or pay to the council any amount due under this act.

41 (1) All moneys collected pursuant to this subsection shall be  
42 expended in the administration of this act and for no other purpose.

43 (2) Any person who unreasonably fails or refuses to pay any

1 assessments due under this act may be subject to legal action by the  
2 council to recover the assessments due, plus interests and costs.

3 (3) Each bank account for use in operating and conducting the  
4 council's duties shall be secured by pledge of securities in the manner  
5 prescribed for state bank accounts under K.S.A. 75-4218, and  
6 amendments thereto, or if such bank account is in an institution outside  
7 the state of Kansas, the institution shall be licensed by a state or the  
8 federal government.

9 (e) Any person who violates any provision of this section shall be  
10 guilty of a misdemeanor and upon conviction thereof shall be subject to a  
11 fine of not less than \$25 nor more than \$500, or to imprisonment for not  
12 less than 30 nor more than 90 days, or by both such fine and  
13 imprisonment.

14 (f) As used in this act:

15 (1) "Council" means the Kansas goat council.

16 (2) "Purchaser" means any person, public or private corporation,  
17 association or partnership who buys goats from a seller or acts as an agent  
18 for a sale or slaughter transaction.

19 (3) "Producer" means a person who is actively engaged within this  
20 state in the business of producing or marketing goats and who receives  
21 income from the production of goats.

22 (4) "Sale" or "sold" means a transaction in which goats or their  
23 products are transferred from a seller to a purchaser for full or partial  
24 consideration.

25 (5) "Secretary" means the secretary of agriculture.

26 (6) "Goat" means an animal of the caprine species, produced, fed,  
27 slaughtered or marketed in this state.

28 (7) "Seller" means any person, public or private corporation,  
29 association or partnership that sells goats to a buyer or acts as an agent  
30 for a sale or slaughter transaction.

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

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