

SENATE BILL No. 87

By Committee on Agriculture

1-29

1 AN ACT concerning livestock; relating to the establishment of the Kansas
2 equine education and promotion board.

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

5 Section 1. As used in this act:

6 (a) "Board" means the Kansas equine education and promotion board.

7 (b) "Commercial equine feed" means manufactured feed specifically
8 intended and labeled for equine use.

9 (c) "Consumer" means a person who buys commercial equine feed
10 for final use and not for resale.

11 (d) "Equine" means horses, ponies, donkeys, mules and miniature
12 horses.

13 (e) ***"Manufacturer" means the entity responsible for producing,
14 processing, packaging and labeling grain, and any additional
15 supplements to such grain, as commercial equine feed.***

16 Sec. 2. (a) There is hereby established the Kansas equine education
17 and promotion board.

18 (b) The board shall consist of seven members, who shall be Kansas
19 residents. The Kansas horse council shall select members and show due
20 regard to selecting a board that is representative of the diverse equine
21 interests within the state, with one seat specifically designated to include a
22 representative of the feed and grain industry.

23 (c) The executive director of the Kansas horse council and the
24 secretary of agriculture or the secretary's designee shall serve as ex officio
25 members of the board.

26 (d) Each selected member of the board, with the exception of the
27 member representing the feed and grain industry, shall be an equine owner,
28 a person fully employed in the Kansas equine industry or a person
29 servicing the Kansas equine industry.

30 Sec. 3. In the administration of this act, the board shall have the
31 following duty, authority and power to:

32 (a) Conduct a campaign of market development and public awareness
33 through research, education and promotion;

34 (b) support research and public education of equine-related issues;

35 (c) accept grants and donations;

36 (d) sue and be sued;

1 (e) enter into such contracts as may be necessary or advisable for the
2 purpose of this act;

3 (f) appoint an administrator who is knowledgeable about the equine
4 industry, and, with the approval of the board, such administrator may
5 appoint such other personnel as is needed;

6 (g) cooperate or contract with any local, state or national organization
7 or agency, whether voluntary or created by the law of any state, or by
8 national law, engaged in work or activities similar to the work and
9 activities of the board, and to enter into contracts and agreements with
10 such organizations or agencies for carrying on a joint campaign of
11 research, education and promotion;

12 (h) establish an office of the administrator at any place in this state
13 the board may select;

14 (i) adopt, rescind, modify and amend all necessary and proper orders,
15 resolutions and rules and regulations for the procedure and exercise of its
16 powers and the performance of its duties;

17 (j) submit an independent audit *and annual report* to the secretary of
18 agriculture *and to the house and senate agriculture committees of the*
19 *legislature* within 90 days of the end of each calendar year, detailing the
20 collections, disbursements, refunds, administrative expenses and any other
21 information, *as requested by the secretary*, concerning the operating
22 expenditures of the board.

23 Sec. 4. (a) The board shall establish an assessment of no greater than
24 \$2 per ton of commercial equine feed sold in Kansas.

25 (b) The board shall negotiate and contract with a person or persons to
26 collect, disburse and refund assessments pursuant to this act.

27 (c) Each manufacturer shall deduct the assessment from the amount
28 received from the sale, shipping or disposal of such feed in Kansas, and
29 shall remit such assessment to a bank account designated by the board
30 twice annually in coordination with annual tonnage tax reporting, as
31 determined by the board.

32 (d) The board shall furnish receipt forms to every manufacturer of
33 commercial equine feed that sells, ships or otherwise disposes of such feed
34 in Kansas.

35 (e) Any consumer who desires a refund of the assessment may make
36 a written demand, including satisfactory proof of purchase, to the board
37 within one year of the purchase of such feed.

38 Sec. 5. (a) The board shall use assessment funds to issue grants for
39 the:

40 (1) Support of research and public education and assistance programs
41 for equine-related issues;

42 (2) promotion of the development and uses of equines in the state;
43 and

1 (3) creation of public awareness of the value of equine activities in
2 the state.

3 (b) The board may use assessment funds as reasonably necessary for
4 the payment of claims based upon obligations incurred in the performance
5 of this act and to carry out the administration of such board's duties under
6 this act, including, but not limited to, reimbursement of reasonable travel
7 and other expenses incurred by the members of the board in discharging
8 such members' duties.

9 (c) The board may not use assessment funds for any political action
10 or political lobbying activities.

11 (d) ***The board may not use assessment funds for any rails to trails***
12 ***development or program.***

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