

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2503

By Committee on Agriculture and Natural Resources

1-23

1 AN ACT concerning agriculture; relating to agricultural boards and
2 advisory bodies; amending K.S.A. 2011 Supp. 2-3709, 74-552, 74-553;
3 ~~74-555~~ and 74-50,163 and repealing the existing sections; also
4 repealing K.S.A. 74-551.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2011 Supp. 2-3709 is hereby amended to read as
8 follows: 2-3709. (a) There is hereby created the Kansas agricultural
9 remediation board. The board shall consist of five members appointed by
10 the governor. Of the five members, one shall be a representative of
11 agricultural retailers, one shall be a representative of agricultural
12 producers, one shall be a representative of agricultural processors, one
13 shall be a representative of specialty chemical distributors or retailers and
14 one shall be a representative of agricultural and specialty chemical
15 registrants. Not more than three voting members shall be members of the
16 same political party. One representative of the Kansas department of
17 agriculture and one representative of the Kansas department of health and
18 environment shall serve as members of the board *ex officio*.

19 ~~(b) (1) Members appointed by the governor shall be subject to~~
20 ~~confirmation by the senate as provided by K.S.A. 75-4315b, and~~
21 ~~amendments thereto. Except as provided by K.S.A. 46-2601, and~~
22 ~~amendments thereto, no person appointed to the board, whose appointment~~
23 ~~is subject to confirmation shall exercise any power, duty or function as a~~
24 ~~member of the board until confirmed by the senate. Except as provided by~~
25 ~~this section, the term of office of each member of the board shall be four~~
26 ~~years. The initial appointments to the board shall be as follows: Two~~
27 ~~members shall be appointed for terms of two years, two members shall be~~
28 ~~appointed for terms of three years and one member shall be appointed for a~~
29 ~~term of four years. The governor shall designate the term of office for each~~
30 ~~member appointed to the first board. Each member shall serve until a~~
31 ~~successor is appointed and confirmed. Whenever a vacancy occurs in the~~
32 ~~membership of the board prior to the expiration of a term of office, the~~
33 ~~governor shall appoint a qualified successor to fill the unexpired term.~~

34 ~~(2) The terms of members appointed pursuant to paragraph (1) of this~~
35 ~~subsection who are serving on the board on the effective date of this act~~
36 ~~shall expire on March 15, of the year in which such member's term would~~

1 ~~have expired under the provisions of this section prior to amendment by~~
2 ~~this act. Thereafter, members shall be appointed for terms of four years~~
3 ~~and until their successors are appointed and confirmed.~~

4 (c) The governor shall designate the chairperson and vice-chairperson
5 of the board from the members of such board.

6 (d) Meetings shall be held as determined by the board.

7 (e) Members of the board attending meetings of the board, or
8 attending a subcommittee meeting thereof authorized by the board, shall
9 be paid compensation, subsistence allowances, mileage and other expenses
10 as provided in K.S.A. 75-3223, and amendments thereto.

11 Sec. 2. K.S.A. 2011 Supp. 74-552 is hereby amended to read as
12 follows: 74-552. (a) There is hereby established within the Kansas
13 department of agriculture a grape and wine industry advisory council
14 consisting of *no less than* nine members who shall be appointed by the
15 secretary of agriculture. The membership of such council shall include:

16 (1) One member ~~representing the college of agriculture at Kansas~~
17 ~~State University from a Kansas higher education institution involved in~~
18 ~~related academic or research enterprises;~~

19 (2) *no less than* two members representing the commercial grape
20 growing industry, *with one appointed by each of the state's grape and*
21 *wine industry organizations that are registered and in good standing with*
22 *the secretary of state's office;*

23 (3) *no less than* two members representing the licensed farm winery
24 industry, *with one appointed by each of the state's grape and wine industry*
25 *organizations that are registered and in good standing with the secretary*
26 *of state's office;*

27 (4) one member ~~representing the~~ *who is a* licensed wine distributors
28 ~~industry distributor or wholesaler;~~

29 (5) one member ~~representing the~~ *who is a* licensed retail liquor
30 ~~industry store owner;~~

31 (6) one member ~~representing the~~ *tourism industry of Kansas who is a*
32 *registered agritourism operator;* and

33 (7) one member ~~representing the~~ *public at large having experience in*
34 *marketing with marketing or business development expertise.*

35 (b) ~~The members of the advisory council shall be appointed for terms~~
36 ~~as follows: (1) Four members shall be appointed for terms ending on June~~
37 ~~30, 1995, and (2) five members shall be appointed for terms ending on~~
38 ~~June 30, 1996. After the expiration of the initial terms of such members~~
39 ~~all members shall be appointed for terms of two years. All members of the~~
40 ~~council shall be appointed for terms ending on June 30, 2016. All~~
41 ~~vacancies shall be filled by appointment for the remainder of the unexpired~~
42 ~~term of the member creating the vacancy.~~

43 (c) *The secretary of the Kansas department of agriculture and*

1 *secretary of the Kansas department of wildlife, parks and tourism, or their*
2 *designees, shall designate staff as nonvoting, ex officio members of the*
3 *council. The director of the state alcoholic beverage control division of the*
4 *Kansas department of revenue or such director's designee shall also be a*
5 *nonvoting, ex officio member.*

6 ~~(e)~~ (d) The advisory council shall organize ~~annually~~ *biannually* by the
7 election from the council's membership a chairperson and a vice-
8 chairperson. The advisory council shall adopt such rules of procedure as
9 the council deems necessary for conducting the council's business.

10 (e) *The provisions of this section shall expire on July 1, 2016.*

11 Sec. 3. K.S.A. 2011 Supp. 74-553 is hereby amended to read as
12 follows: 74-553. (a) The grape and wine industry advisory council shall
13 have the following duties, authorities and powers:

14 ~~(a)~~(1) Advise the Kansas department of agriculture and other state
15 agencies on the grape and wine industry initiatives, ~~problems~~ *concerns* and
16 needs;

17 ~~(b) determine and recommend specific research programs and~~
18 ~~priorities at Kansas state university;~~

19 (e) (2) facilitate improved communication and interaction among
20 grape and wine producers, wine and liquor wholesalers and retailers,
21 governmental agencies, both federal and state, and state tourism interests;

22 ~~(d) determine and recommend specific marketing program priorities~~
23 ~~to assist in promoting and marketing the state's grape and wine industry;~~

24 (e) (3) develop and recommend a long-term plan for financing
25 continued programs for promotion, marketing, research and extension in
26 support of the Kansas grape and wine industry; and

27 ~~(f)~~ (4) report to the Kansas department of agriculture and *to the*
28 *standing agriculture committees on agriculture of the senate and house of*
29 *representatives of the legislature* on the status of the Kansas grape and
30 wine industry.

31 (b) *To facilitate the organization and start-up of such plan and*
32 *structure, the Kansas department of agriculture shall provide*
33 *administrative assistance until such time as the **secretary of the***
34 ***department of agriculture determines that the advisory council has***
35 *resources to provide staffing on its own.*

36 (c) *The provisions of this section shall expire on July 1, 2016.*

37 Sec. 4. K.S.A. 2011 Supp. 74-555 is hereby amended to read as
38 follows: 74-555. (a) There is hereby created the dairy marketing advisory
39 board. The board shall be within the Kansas department of agriculture.

40 ~~(b) The members of the dairy marketing advisory board shall be~~
41 ~~appointed by the governor~~ *secretary of agriculture.* The board shall consist
42 of ~~five seven~~ members, of such, two ~~which:~~

43 (1) ~~Four~~ members shall be dairy farmers, (A) ~~one~~ *appointed by the*

1 ~~Kansas dairy association; (B) one appointed by the Kansas livestock-~~
2 ~~association; and (C) two appointed by the secretary; one member (2) two~~
3 ~~members shall represent the milk handlers and processors of the state; and~~
4 ~~(3) one member shall be a consumer of milk; and one member shall be the~~
5 ~~acting secretary of agriculture or the secretary's designee. The Kansas~~
6 ~~dairy association may make nominations to the governor for consideration~~
7 ~~as appointments to the dairy marketing advisory board. The dean of the~~
8 ~~college of agriculture at Kansas state university shall appoint a faculty~~
9 ~~member with dairy expertise who shall serve as a nonvoting, ex officio-~~
10 ~~member. The program director of the Kansas department of agriculture-~~
11 ~~dairy program shall serve as board coordinator.~~

12 (e) ~~Except as provided by this subsection, members of the board shall~~
13 ~~serve for three year terms and until successors are appointed and qualified.~~
14 ~~Of the first five seven members appointed, two three shall serve for one~~
15 ~~year, two shall serve for two years, and one two shall serve for three years.~~
16 ~~The terms of members who are serving on the board on the effective date~~
17 ~~of this act shall expire on March 15, of the year in which such member's~~
18 ~~term would have expired under the provisions of this section prior to~~
19 ~~amendment by this act. Three Five members shall constitute a quorum.~~
20 ~~Vacancies on the board shall be filled in the same manner as original~~
21 ~~appointments are made. The board may remove any of the board members~~
22 ~~for cause after hearing. Not more than three members of the board shall be~~
23 ~~of the same political party.~~

24 (d) ~~Members of the board shall receive no compensation for such~~
25 ~~members' services, but may be reimbursed for actual and necessary~~
26 ~~expenses incurred by such members in the performance of such members'~~
27 ~~duties.~~

28 (e) ~~The dairy marketing advisory board shall:~~

29 (1) ~~Study and evaluate the need for establishing a statewide milk~~
30 ~~marketing order Advise the Kansas department of agriculture and other~~
31 ~~state agencies on dairy industry initiatives, concerns and needs;~~

32 (2) ~~make recommendations as to the implementation of milk~~
33 ~~marketing orders; and facilitate and improve communication and~~
34 ~~interaction among small, mid-size and large dairy producers, as well as~~
35 ~~cooperatives, small and large processors and state agencies;~~

36 (3) ~~advise the department's agricultural marketing program on~~
37 ~~efforts to promote and market the state's dairy industry;~~

38 (4) ~~advise the department's dairy program on inspection fees;~~

39 (5) ~~advise the program director of the department's dairy program~~
40 ~~concerning federal milk regulations; and~~

41 (3) (6) ~~prepare and submit to the standing agriculture committees of~~
42 ~~the legislature a report of its findings and recommendations on the status~~
43 ~~of the dairy industry on or before February 1 each year.~~

1 ~~Sec. 5.~~ **4.** K.S.A. 2011 Supp. 74-50,163 is hereby amended to read as
 2 follows: 74-50,163. (a) There is hereby created ~~an agriculture products~~
 3 ~~development~~ *an agriculture marketing and promotions* advisory board.
 4 Members shall be appointed by the ~~governor as follows, one member shall~~
 5 ~~be a representative of the livestock industry, one member shall be a~~
 6 ~~representative of a farmer's cooperative active in community economic~~
 7 ~~development, one member shall be a representative of a commodity group,~~
 8 ~~two members shall be representatives of entrepreneurs in a value added~~
 9 ~~business, one member shall be a financial or investment banker or a seed~~
 10 ~~capital fund manager and one member shall be from the marketing section~~
 11 ~~of the agriculture products development division of the department of~~
 12 ~~commerce~~ *secretary of agriculture. The board shall consist of no less than*
 13 *nine and no more than 12 members. Each member appointed to the*
 14 *advisory board shall be recognized for knowledge and leadership in at*
 15 *least one of the following sectors: Livestock industry, commodity*
 16 *production, specialty crop production, local foods or farmers' markets,*
 17 *restaurant and food service industry, value-added or entrepreneurial*
 18 *agriculture, agricultural education, rural economic development, food*
 19 *processing, finance and banking, agricultural cooperatives and marketing*
 20 *or economics.*

21 (b) Of the members first appointed to the board, the ~~governor~~
 22 ~~secretary of agriculture~~ shall designate ~~four~~ *five* whose terms shall expire
 23 June 30, ~~1998~~ *2014*, and ~~three~~ *whose the remaining members'* terms shall
 24 expire on June 30, ~~2000~~ *2016*. After the expiration of such terms, each
 25 member shall be appointed for a term of four years until a successor is
 26 appointed and qualified.

27 (c) A vacancy on the board of a member shall be filled for the
 28 unexpired term by appointment by the ~~governor~~ *secretary of agriculture*.

29 ~~The governor shall appoint a chairperson~~ *The board shall*
 30 *organize by election of a chairperson, vice-chairperson and such other*
 31 *officers as the board deems appropriate.*

32 ~~The board shall meet as the chairperson or a majority of the board~~
 33 ~~members determine.~~

34 ~~(f)~~ *(e)* The board shall advise the secretary of ~~commerce~~ *agriculture*
 35 and the agriculture ~~products development division~~ *marketing and*
 36 *promotions program* on issues and concerns of agriculture ~~product~~
 37 ~~development and technical assistance for such marketing, promotions and~~
 38 *agribusiness* development.

39 ~~Sec. 6.~~ **5.** K.S.A. 74-551 and K.S.A. 2011 Supp. 2-3709, 74-552, 74-
 40 553 and ~~74-555~~ **74-50,163** are hereby repealed.

41 ~~Sec. 7.~~ **6.** This act shall take effect and be in force from and after its
 42 publication in the statute book.

