

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 25.—Grain Warehouse

4-25-19. Licensed storage, conditional storage, and emergency storage.

(a) A public warehouseman shall not utilize any licensed public warehouse for grain storage until the secretary has measured the empty storage volume of the licensed public warehouse and determined that the licensed public warehouse is adequate to store grain in a manner that will maintain the condition of the grain.

(b) Any public warehouseman who takes possession of a grain storage facility, including as the result of an acquisition or merger, may utilize the facility for grain storage upon assuming ownership of the facility and obtaining all required licensure if the secretary has previously measured the empty storage volume of the facility and determined that the facility is adequate to store grain in a manner that will maintain the condition of the grain.

(c) The determination of whether each grain storage facility is adequate to store grain in a manner that will maintain the condition of the grain shall be made by the secretary and shall be based on the following:

(1) Whether the facility is constructed of base material that is adequate to maintain the condition of stored grain, including concrete, asphalt, rock, or other material approved by the secretary;

(2) whether the facility uses rigid, self-supporting sidewalls that provide adequate separation of different types of grain;

(3) whether the facility provides aeration adequate to maintain the condition of stored grain;

(4) whether the facility provides cover adequate to maintain the condition of stored grain, including a tarp or other material approved by the secretary; and

(5) whether the licensed grain storage facility is adequate to store grain in a manner that will maintain the condition of the grain, according to any other criteria related to the physical structure of the grain storage facility that the secretary deems relevant.

(d) Before storing grain in conditional storage space or offering emergency storage space for public use, each public warehouseman shall apply to be permitted to do so, on a form provided by the secretary, and shall obtain the secretary's written approval of the application. Each application for the use of conditional storage or emergency storage space shall include, at a minimum, the following:

(1) The name of the licensee;

(2) the type of grain that will be stored in conditional storage or emergency storage; and

(3) the quantity of grain that will be stored in conditional storage or emergency storage.

(e) Each public warehouseman shall keep and maintain all grain stored in conditional storage or emergency storage in good condition and shall maintain a weighed figure reflecting the volume in bushels of all grain stored in conditional storage or emergency storage, which shall be provided to the secretary upon request. All grain stored in conditional storage or emergency storage for which a weighed figure is not available shall be accounted for according to the total bushel amount calculated by the secretary during examination of the public warehouse. Grain that the secretary determines to be in unacceptable condition shall not be accounted for during examination.

(f) Each public warehouseman shall move all corn, soybeans, edible beans, grain sorghum, and other grains for which federal grain standards have been established from conditional storage into licensed storage no later than July 1 of the year following the year in which those grains were placed into conditional storage.

(g) Each public warehouseman shall move all corn, soybeans, edible beans, grain sorghum, and other grains for which federal grain standards have been established from emergency storage into licensed storage no later than March 31 of the year following the year in which those grains were placed into emergency storage.

(h) Each public warehouseman shall move all wheat, barley, oats, and rye from conditional storage into licensed storage no later than December 31 of the year in which those grains were placed into conditional storage.

(i) Each public warehouseman shall move all wheat, barley, oats, and rye from emergency storage into licensed storage no later than August 31 of the year in which those grains were placed into emergency storage.

(j) Grain that is not moved into licensed storage by the applicable deadline specified in this regulation shall not be included in a daily position report, shall not be used to cover a warehouse receipt or any other liability, and shall not be included in any examination, unless the secretary grants a written extension of the deadline. Each application for an extension pursuant to this subsection shall be submitted in writing on a form provided by the secretary. An extension shall not provide more than 30 additional days for a public warehouseman to complete collection and storage of the grain as specified in this subsection.

Each public warehouseman shall be allowed to apply for only two extensions after the expiration of the applicable deadline specified in this subsection. Grain that is not in licensed storage space by the deadline specified in the most recently issued extension shall not be included in a daily position report, shall not be used to cover a warehouse receipt or any other liability, and shall not be included in any examination.

(k) Each public warehouseman who utilizes conditional storage or emergency storage space shall inform the secretary in writing when all of the grain is moved back into licensed storage.

(l) Each public warehouseman shall maintain a copy of the written request for emergency storage or conditional storage, the approval for emergency storage or conditional storage furnished by the secretary, the written request for an extension for emergency storage or conditional storage, the approval of an extension for emergency storage or conditional storage furnished by the secretary, and the written notice that all of the grain has been collected. The public warehouseman shall furnish a copy of these documents to the secretary upon request.

(m) The use of conditional storage or emergency storage shall not be permitted if the additional storage space requested will cause the licensed public warehouse to be noncompliant with any applicable provision of K.S.A. 34-228(c)(1) or K.S.A. 34-229, and amendments thereto.

(n) Conditional storage or emergency storage shall not be added to the licensed storage of a licensed public warehouse unless the request to add conditional storage or emergency storage to the warehouse's existing licensed storage is accompanied by the license amendment fee specified in K.A.R. 4-25-16.

(o) Emergency storage shall not be allowed for soybeans or dry edible beans.

(p) Each public warehouseman shall be permitted to store only one type of grain in each licensed storage, conditional storage, or emergency storage bin.

(q) Each portion of the total bulk grain capacity of a licensed public warehouse that is an integral part of any unit of the licensed public warehouse and is equipped for the handling and warehousing of grain shall be included in the licensed capacity of the licensed public warehouse. However, any part of a licensed public warehouse's licensed capacity may be reserved and designated "not for public use" if the public warehouseman submits an application to the secretary requesting permission to reserve the area and designate it "not for public use" and receives the secretary's approval. Any public warehouseman may be required by the secretary to utilize a seal, lock, or other method of segregating an area designated "not for public use" from the public use areas of the licensed public warehouse.

(Authorized by K.S.A. 34-102 and K.S.A. 34-228; implementing K.S.A. 34-102, 34-228, and 34-229; effective Aug. 26, 2022.)

***** Authenticated Kansas Administrative Regulation *****