

House Status: Adjourned until Monday, January 13, 2014 at 02:00 p.m.  
 Senate Status: Adjourned until Monday, January 13, 2014 at 02:00 p.m.

# HB 2049

## Short Title

Kansas department of agriculture; increasing certain fees; concerning sunsets on various program fees.

## Bill Versions

SN: Supplemental Note FN: Fiscal Note

Version	Documents	SN	FN
As Amended by Senate Committee			
As Amended by House Committee			
As introduced			

**Current Sponsor**  
 Introduced by

## Bill History

- [1](#)
- [2](#)
- [3](#)

AR: Amendment Report CCRB: Conference Committee Report Brief JPN: Journal Page Number

Date	Chamber	Status	AR	CCRB	JPN
Sun 02 Jun 2013	House	Conference Committee Report not adopted; <u>Yea: 45 Nay: 64</u>			
Sat 01 Jun 2013	Senate	Conference Committee Report was adopted; <u>Yea: 24 Nay: 13</u>			1047
Sat 01 Jun 2013	Senate	Conference committee report now available			
Sat 01 Jun 2013	House	Conference Committee Report agree to disagree adopted; <u>Representative Kinzer</u> , <u>Representative Bruchman</u> and <u>Representative Pauls</u> appointed as second conferees			
Sat 01 Jun 2013	House	Motion to suspend Joint Rule 4 (k) to allow consideration adopted;			
Sat 01 Jun 2013	Senate	Conference Committee Report agree to disagree adopted; <u>Senator King</u> , <u>Senator Smith</u> and <u>Senator Haley</u> appointed as second conferees			1047
Sat 01 Jun 2013	Senate	Motion to suspend Joint Rule 4 (k) to allow consideration adopted;			1019
Sat 01 Jun 2013	House	<u>Representative Pauls</u> replaces <u>Representative Victors</u> on the Conference Committee			
Sat 01 Jun 2013	House	<u>Representative Bruchman</u> replaces <u>Representative Hoffman</u> on the Conference Committee			
Sat 01 Jun 2013	House	<u>Representative Kinzer</u> replaces <u>Representative Schwartz</u> on the Conference Committee			
Thu 30 May 2013	Senate	<u>Senator Haley</u> replaces <u>Senator Francisco</u> on the Conference Committee			1013
Thu 30 May 2013	Senate	<u>Senator Smith</u> replaces <u>Senator Kerschen</u> on the Conference Committee			1013
Thu 30 May 2013	Senate	<u>Senator King</u> replaces <u>Senator Love</u> on the Conference Committee			1013
Mon 25 Mar 2013	Senate	Motion to accede adopted; <u>Senator Love</u> , <u>Senator Kerschen</u> and <u>Senator Francisco</u> appointed as conferees			395
Mon 25 Mar 2013	House	Nonconcurrent with amendments; Conference Committee requested; appointed <u>Representative Schwartz</u> , <u>Representative Hoffman</u> and <u>Representative Victors</u> as conferees			512

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**Special Committee on Agriculture  
 and Natural Resources  
 December 13, 2013  
 Attachment 1**

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- 2
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AR: Amendment Report CCRB: Conference Committee Report Brief JPN: Journal Page Number

Date	Chamber	Status	AR	CCRB	JPN
Thu 21 Mar 2013	Senate	Emergency Final Action - Passed as amended; <u>Yea: 40 Nay: 0</u>			380
Thu 21 Mar 2013	Senate	Committee of the Whole - Be passed as amended			375
Thu 21 Mar 2013	Senate	Committee of the Whole - Amendment by <u>Senator Holmes</u> was rejected			375
Thu 21 Mar 2013	Senate	Committee of the Whole - Motion to Amend - Offered by <u>Senator Holmes</u>			375
Thu 21 Mar 2013	Senate	Committee of the Whole - Committee Report be adopted			375
Thu 21 Mar 2013	Senate	Committee of the Whole - Now working on			
Wed 20 Mar 2013	Senate	Committee Report recommending bill be passed as amended by			344
Mon 11 Mar 2013	Senate	Hearing: Wednesday, March 13, 2013, 8:30 AM Room 159-S CANCELLED			
Thu 07 Mar 2013	Senate	Hearing: Wednesday, March 13, 2013, 8:30 AM Room 159-S			
Thu 28 Feb 2013	Senate	Referred to <u>Committee on Agriculture</u>			223
Wed 27 Feb 2013	Senate	Received and Introduced			202
Wed 27 Feb 2013	House	Final Action - Passed as amended; <u>Yea: 77 Nay: 46</u>			287
Wed 27 Feb 2013	House	Engrossed on Tuesday, 26 February 2013			294
Tue 26 Feb 2013	House	Committee of the Whole - Be passed as amended			271
Tue 26 Feb 2013	House	Committee of the Whole - Committee Report be adopted			271

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AR: Amendment Report CCRB: Conference Committee Report Brief JPN: Journal Page Number

Date	Chamber	Status	AR	CCRB	JPN
Tue 26 Feb 2013	House	Committee of the Whole - Now working on			
Fri 08 Feb 2013	House	Committee Report recommending bill be passed as amended by			171
Tue 29 Jan 2013	House	Hearing: Thursday, January 31, 2013, 3:30 PM Room 346-S			
Thu 24 Jan 2013	House	Referred to <u>Committee on Agriculture and Natural Resources</u>			102
Wed 23 Jan 2013	House	Introduced			95

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SESSION OF 2013

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2049**

As Amended by House Committee on  
Agriculture and Natural Resources

**Brief\***

HB 2049 would extend the sunset provisions for numerous fees within the Kansas Department of Agriculture, making those current fees the same until July 1, 2019. The fees are currently set to return to FY 2002 levels on July 1, 2015.

The bill also would add a new provision to the law concerning milk processing fees. The new language would exempt Grade A and manufacturing milk dairy operations from processing fees when the milk is processed or manufactured at the dairy where it was produced, eliminating duplication of the production and processing fees for those facilities.

In addition, the bill would require applicants for pesticide business licenses to file a certificate of liability insurance with the Secretary of the Department of Agriculture before such a license can be issued. Under current law, applicants can file a bond, insurance, letter of credit, or proof of an escrow account when applying for a pesticide business license.

The following table outlines the proposed fees to be extended by the bill as well as fees as they would be on July 1, 2015, under existing law, if the provisions were allowed to sunset.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Sec. No.	Program	Service	Fees if Existing Sunset Occurs Under Existing Law	Fee Amounts Proposed to be extended in HB 2049
1	Pesticide & Fertilizer	Business License Application and Renewal	\$112 per category	\$140 per category
1	Pesticide & Fertilizer	Uncertified Applicator Registration	\$10.00	\$15.00
1	Pesticide & Fertilizer	Government Agency Registration	\$35.00	\$50.00
2	Pesticide & Fertilizer	Technician Registration	\$25.00	\$40.00
3	Pesticide & Fertilizer	Commercial Certification Examination per category	\$35.00	\$45.00
4	Pesticide & Fertilizer	Private Application Certification	\$10.00	\$25.00
5	Pesticide & Fertilizer	Chemigation User Permit	\$55.00	\$75.00
5	Pesticide & Fertilizer	Chemigation User Permit for additional points of diversion	\$10.00	\$15.00
6	Pesticide & Fertilizer	Chemigation Equipment Operator Certification and Renewal	\$10.00	\$25.00
7	Dairy Inspection	Dairy Manufacturing Plant License	\$120.00	\$200.00
7	Dairy Inspection	Milk Distributor License	\$120.00	\$200.00
7	Dairy Inspection	Milk Hauler License	\$25.00	\$35.00
7	Dairy Inspection	Receiving/Transfer Station License	\$50.00	\$100.00
7	Dairy Inspection	Single Service License	\$50.00	\$100.00
8	Dairy Inspection	Grade "A" Milk Produced	\$0.01 per hundred lbs.	\$0.015 per hundred lbs.
8	Dairy Inspection	Grade "A" Milk Distributed	\$0.01 per hundred lbs.	\$0.02 per hundred lbs.
8	Dairy Inspection	Grade "A" Milk Processed	\$0.01 per hundred lbs.	\$0.02 per hundred lbs.
8	Dairy Inspection	Mfg Grade Milk Produced	\$0.01 per hundred lbs.	\$0.015 per hundred lbs.
8	Dairy Inspection	Mfg Grade Milk Processed	\$0.0075 per hundred wt.	\$0.02 per hundred wt.
8	Dairy Inspection	Frozen Dessert—Mfg or Imported	\$1 per hundred lbs.	\$2 per hundred lbs.
9	Water	Permit to Appropriate	\$100.00	\$200.00

Sec. No.	Program	Service	Fees if Existing Sunset Occurs Under Existing Law	Fee Amounts Proposed to be extended in HB 2049
	Appropriations	0-100 acre foot		
9	Water Appropriations	Permit to Appropriate 101-320 acre foot	\$150.00	\$300.00
9	Water Appropriations	Permit to Appropriate More than 320 acre foot	\$150 plus \$10/ea. additional 100 acre feet or part thereof	\$300 plus \$20/ea. additional 100 acre feet or part thereof
9	Water Appropriations	Water Storage Permit 0 to 250 acre-feet	\$100.00	\$200.00
9	Water Appropriations	Water Storage Permit more than 250 acre feet plus an amount for each additional 250 acre feet	\$100 plus \$10 for each additional 250 acre feet or part thereof	\$200 plus \$20 for each additional 250 acre feet or part thereof
10	Water Appropriations	Change Point of Diversion – 300 ft or less	\$50.00	\$100.00
10	Water Appropriations	Change Point of Diversion – more than 300 ft	\$100.00	\$200.00
10	Water Appropriations	Change Place of Use	\$100.00	\$200.00
10	Water Appropriations	Use Made of Water	\$150.00	\$300.00
11	Water Appropriations	Term Permit to Appropriate Water – 0 to 100 acre-feet	\$100.00	\$200.00
11	Water Appropriations	Term Permit to Appropriate Water – 101 to 320 acre-feet	\$100.00	\$300.00
11	Water Appropriations	Term Permit to Appropriate Water – 320 acre-feet and above	\$150 plus \$10 for each additional hundred acre feet or any part thereof	\$300 plus \$20 for each additional hundred acre feet or part thereof
11	Term Permit to Appropriate Water – 0 to 100 acre-feet	Term Permit to Appropriate Water for Storage – 0 to 100 acre-feet	\$100.00	\$200.00
11	Water	Term Permit to	\$100 plus \$10 for	\$200 plus \$20

Sec. No.	Program	Service	Fees if Existing Sunset Occurs Under Existing Law	Fee Amounts Proposed to be extended in HB 2049
	Appropriations	Appropriate Water for Storage – 101 to 320 acre-feet	each additional hundred acre feet or part thereof	for each additional hundred acre feet or part thereof
12	Water Appropriations	Field Inspection Fee	\$200.00	\$400.00
12	Water Appropriations	Extension Requests	\$50.00	\$100.00
12	Water Appropriations	Water Right or Permit to Appropriate Reinstatement	\$100.00	\$200.00
13	Water Appropriations	Temporary permit	\$100.00	\$200.00

With respect to weights and measures service company licenses, the bill would set the license fee at \$100. The sunset on that fee went into effect in 2010, lowering the license fee from \$100 to \$50. The \$100 fee also would apply to service company license renewals.

### Background

A spokesperson from the Kansas Department of Agriculture appeared as a proponent of the bill.

A spokesperson from the Kansas Farm Bureau provided neutral testimony.

The House Committee on Agriculture and Natural Resources amended the bill by extending the sunset provisions to July 1, 2019.

According to the fiscal note, the Department of Agriculture has indicated the fiscal impact of HB 2049 would be negligible in FY 2014 and 2015. If the bill is not passed, the Department estimates an annual reduction in revenue of up to \$746, 528 for Dairy, Water Appropriations, and Pesticide

Programs beginning in FY 2016.

5-2049

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SESSION OF 2013

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2049**

As Amended by Senate Committee on  
Agriculture

**Brief\***

HB 2049 would add a new provision to the law concerning milk processing fees. The new language would exempt Grade A and manufacturing milk dairy operations from processing fees when the milk is processed or manufactured at the dairy where it was produced, eliminating duplication of the production and processing fees for those facilities.

The bill also would require applicants for pesticide business licenses to file a certificate of liability insurance with the Secretary of Agriculture before the license can be issued. Under current law, applicants can file a bond, insurance, letter of credit, or proof of an escrow account when applying for a pesticide business license.

In addition, the bill would set the license fee for weights and measures service company licenses at \$100. The license fee would sunset on July 1, 2015. The previous sunset on the fee went into effect in 2010, lowering the license fee from \$100 to \$50. The \$100 fee also would apply to service company license renewals.

**Background**

The bill was introduced by the House Committee on Agriculture and Natural Resources at the request of the Kansas Department of Agriculture (KDA).

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

At the House Committee hearing on the bill, a spokesperson from the KDA provided proponent testimony on the bill. A spokesperson from the Kansas Farm Bureau provided neutral testimony.

The House Committee on Agriculture and Natural Resources amended the bill by extending the sunset provisions to July 1, 2019.

At the Senate Committee hearing on the bill, spokespersons from Groundwater Management District No. 3 and the Kansas Water Authority provided additional proponent testimony on the bill.

The Senate Committee on Agriculture amended the bill by removing the July 1, 2019, sunset provisions, as added by the House Committee, and reinstated current statutory language that sunsets the fees on and after July 1, 2015. (The Senate Committee also approved a motion for the Chairperson to request an interim study on topics including KDA fees.)

According to the fiscal note on the original version of the bill, the KDA has indicated the fiscal impact of the bill would be negligible in FY 2014 and 2015. If the bill is not passed, the KDA estimates an annual reduction in revenue of up to \$746,528 for the Dairy, Water Appropriations, and Pesticide programs beginning in FY 2016.