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1 paid within the 30-day period, or any extension thereof granted by the
2 secretary, a penalty of \$10 per day shall be assessed against the registrant,
3 except that on and after July 1, 2015, a penalty of \$5 per day shall be
4 assessed against the registrant, and the inspection fee and penalty shall
5 constitute a debt and become the basis for a judgment against such person.
6 The secretary may grant a reasonable extension of time.

7 ~~8 [The secretary of agriculture is hereby authorized and empowered to
9 reduce the inspection fee by adopting rules and regulations under this
10 section whenever the secretary determines that the inspection fee is
11 yielding more than is necessary for the purpose of administering the
12 provisions of this act as listed below and the plant pest act. The secretary is
13 hereby authorized and empowered to increase the inspection fee by
14 adopting rules and regulations under this section when it finds that such is
15 necessary to produce sufficient revenues for the purposes of administering
16 the provisions of this act, except that the inspection fee shall not be
17 increased in excess of the maximum fee prescribed by this section. The
18 secretary may change and collect an amount necessary for the purpose of
19 administering the provisions of this act. Such amount shall not exceed the
20 cost for administering this act and shall be collected from the fee imposed
21 herein prior to any other remittance by the secretary.] The secretary shall
22 remit all the remaining moneys received by or for the secretary under
23 article 12 of chapter 2 of Kansas Statutes Annotated, and amendments
24 thereto, to the state treasurer in accordance with the provisions of K.S.A.
25 75-4215, and amendments thereto. Upon receipt of each such remittance,
26 the state treasurer shall deposit the entire amount in the state treasury and
27 shall credit such remittance as follows: (1) An amount equal to \$1.40 (a)
28 [84% of such amount collected] per ton shall be credited to the state water
29 plan fund created by K.S.A. 82a-951, and amendments thereto; (2) an
30 amount equal to \$0.04 (b) [2.5% of such amount collected] per ton shall be
31 credited to the fertilizer research fund; and (3) the remainder (c) [13.5%] of
32 such amount collected shall be credited to the fertilizer fee fund to be used
33 for carrying out the provisions of this act. All expenditures from the
34 fertilizer fee fund shall be made in accordance with appropriation acts
35 upon warrants of the director of accounts and reports issued pursuant to
36 vouchers approved by the secretary of agriculture or by a person or
37 persons designated by the secretary.]~~

38 Sec. 2, K.S.A. 2016 Supp. 2-2204 is hereby amended to read as
39 follows: 2-2204. (a) Every agricultural chemical which is distributed, sold
40 or offered for sale within this state or delivered for transportation or
41 transported in intrastate commerce or between points within this state
42 through any point outside this state shall be registered by the secretary.
43 The secretary shall have the authority to classify or designate as restricted-
use any pesticide registered for sale, use or distribution in the state of

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an amount equal to \$1.35
an amount equal to \$.04
the remainder

The secretary of agriculture shall reduce the inspection fee by adopting rules and regulations under this section whenever the secretary determines that the inspection fee is yielding more than is necessary for the purpose of administering the provisions of this act. The secretary may increase the inspection fee by adopting rules and regulations under this section when it finds that such is necessary to produce sufficient revenues for the purpose of administering the provisions of this act, except that the inspection fee shall not be increased in excess of the maximum fee prescribed by this section.

1 Kansas, according to rules and regulations promulgated by the secretary.
2 The secretary may adopt rules and regulations to allow products to be
3 registered for a period not to exceed three years. All registration of
4 products shall expire on December 31 of the year the registration is set to
5 expire, unless such registration shall be renewed, in which event expiration
6 date shall be extended for each year of renewal registration, or until
7 otherwise terminated. Products which have the same formula, and are
8 manufactured by the same person, the labeling of which contains the same
9 claims, and the labels of which bear a designation identifying the product
10 as the same agricultural chemical may be registered as a single product
11 and additional names and labels shall be added by supplement statements
12 during the current period of registration. Within the discretion of the
13 secretary, or an authorized representative of the secretary, a change in the
14 labeling or formulas of an agricultural chemical may be made within the
15 current period of registration without requiring a reregistration of the
16 product. Any agricultural chemical imported into this state which is subject
17 to the provisions of any federal act providing for the registration and
18 which has been duly registered under the provisions of such federal act, in
19 the discretion of the secretary, may be exempted from registration under
20 this act when such agricultural chemical is sold or distributed in the
21 unbroken immediate container in which such agricultural chemical was
22 originally shipped.

(b) The registrant shall file with the secretary, a statement including:

(1) The name and address of the registrant and the name and address of the
24 person whose name will appear on the label if other than the registrant; (2)
25 the name of the agricultural chemical; (3) a complete copy of the labeling
26 accompanying the agricultural chemical and a statement of all claims
27 made and to be made for it and a statement of directions for use; and (4) if
28 requested by the secretary, or an authorized representative of the secretary,
29 a full description of the tests made and the results thereof upon which the
30 claims are based.

(c) The secretary may require the registrant to submit a copy of the
32 product label registered by the EPA under the provisions of FIFRA.

(d) Any time the registrant modifies the label, the modified label shall
34 be submitted to the secretary for review and approval prior to
35 implementing the new label in Kansas.

(e) On the date of registration, the registrant shall pay a fee fixed by
37 rules and regulations adopted by the secretary of agriculture. Such fee
38 shall equal an amount per registered agricultural chemical, not to exceed
39 \$150 per year. ~~Such fee shall be deposited in the state treasury and credited~~
40 ~~as follows: [The secretary may charge and collect an amount necessary for~~
41 ~~the purpose of administering the provisions of this act. Such amount shall~~
42 ~~not exceed the cost for administering this act and shall be collected from~~
43

1 ~~the fee imposed herein, prior to any other remittance by the secretary. The~~
 2 ~~secretary shall remit the remaining moneys received by or for the~~
 3 ~~secretary in accordance with the provisions of K.S.A. 2-2212, and~~
 4 ~~amendments thereto, to the state treasurer. Upon receipt of each such~~
 5 ~~remittance, the state treasurer shall deposit the amount in the state~~
 6 ~~treasury and shall credit such remittance as follows: (1) An amount equal~~
 7 ~~to \$100 for each year of registration, 67% of such amount shall be~~
 8 ~~credited to the state water plan fund created by K.S.A. 82a-951, and~~
 9 ~~amendments thereto; and (2) the remainder 33% of such amount shall be~~
 10 ~~credited to the agricultural chemical fee fund to be used for carrying out~~
 11 ~~the provisions of this act.] The annual fee for each agricultural chemical~~
 12 ~~registered which is in effect on the day preceding the effective date of this~~
 13 ~~act shall continue in effect until the secretary of agriculture adopts rules~~
 14 ~~and regulations fixing a different fee therefor under this subsection. The~~
 15 ~~secretary of agriculture [is hereby authorized and empowered,] whenever it~~
 16 ~~determines that the fee imposed by this subsection and paid into the state~~
 17 ~~treasury as provided by law is yielding more revenue than is required for~~
 18 ~~the purposes to which such fee is devoted by law, [to reduce the fee~~
 19 ~~imposed by this subsection for such period as the secretary shall deem~~
 20 ~~justified by adopting rules and regulations under this subsection] but not for~~
 21 ~~less than one year. In the event that the secretary, after reducing such fee,~~
 22 ~~finds that sufficient revenues are not being produced by such reduced fee,~~
 23 ~~the secretary [is authorized and empowered] by adopting rules and~~
 24 ~~regulations under this subsection, [to restore in full or in part such fee] to an~~
 25 ~~amount which, in the judgment of the secretary, will produce sufficient~~
 26 ~~revenues for the purposes as provided in this section, but not exceeding the~~
 27 ~~maximum amount of the fee imposed by this subsection.~~

28 (f) The secretary, or an authorized representative of the secretary,
 29 whenever it is deemed essential in the administration of this act, may
 30 require the submission of the complete formula or any other data in
 31 support of the registration for any pesticide. The complete formula and any
 32 other trade secrets submitted to support the registration application shall be
 33 considered as confidential. If it appears to the secretary, or an authorized
 34 representative of the secretary, that the composition of the product is such
 35 as to warrant the proposed claims for the product and if the product and its
 36 labeling and other material required to be submitted comply with the
 37 requirements of this act, the secretary shall register the product.

38 (g) If it does not appear to the secretary, or an authorized
 39 representative of the secretary, that the product is such as to warrant the
 40 proposed claims for it or if the product and its labeling and other material
 41 required to be submitted do not comply with the provisions of this act, the
 42 secretary shall notify the registrant of the manner in which the product,
 43 labeling, or other material required to be submitted fail to comply with the

Such fee shall be deposited in the state treasury as follows: (1) An amount equal to \$100 for each year of registration shall be credited to the state water plan fund created by K.S.A. 82a-951, and amendments thereto; and (2) the remainder shall be credited to the agricultural chemical fee fund to be used for carrying out the provisions of this act.

shall reduce the fee imposed by this subsection by adopting rules and regulations

may increase the fee

An amount equal to \$100 from each fee collected under this subsection shall be credited to the state water plan fund regardless of the amount of such fee imposed by the secretary.

1 at county extension offices and at places where extension educational
2 training is conducted. The examinations shall be scored by members of the
3 extension or secretary's staff. If an individual passes the examination by
4 equating or exceeding a standard authorized by the secretary, a certified
5 private applicator's certificate shall be issued to such individual. Such staff
6 member shall send a copy of the certificate issued, together with the fee, to
7 the secretary.

8 A certified applicator who holds a current certificate to apply pesticides
9 as a certified private applicator in any other state or political subdivision of
10 the United States may be exempted from examination for private
11 applicator certification in this state upon payment of proper fees and
12 approval by the secretary.

13 Sec. 8. K.S.A. 2016 Supp. 2-2469 is hereby amended to read as
14 follows: 2-2469. (a) Each person who is a pesticide dealer shall register
15 with the secretary. Registration shall be required for each business location
16 distributing pesticides and shall be on a form provided by the secretary.
17 Each registration shall expire on June 30 following issuance unless such
18 registration is renewed annually. A registration fee of \$20 shall accompany
19 the application.

20 (b) The provisions of this section shall not apply to a licensed
21 pesticide business which sells pesticides only as an integral part of such
22 business' pesticide application service when the pesticides are dispensed
23 only through equipment used for this pesticide application, nor to the sale
24 of general use pesticides purchased for household use only; nor to any
25 federal, state, county or municipal agency which provides pesticides only
26 for its own programs nor to any individual who is the final purchaser of a
27 pesticide for application to property or property rights owned, leased, or
28 otherwise acquired by such person.

29 (c) Each registered pesticide dealer is responsible for the acts of each
30 individual employed by such dealer in the solicitation and sale of
31 pesticides and for all claims and recommendations for use of pesticides
32 made by such employees. The dealer's registration shall be subject to
33 denial, suspension, or revocation after notice and opportunity for a hearing
34 are given in accordance with the provisions of the Kansas administrative
35 procedure act for any violation of this act whether committed by the dealer
36 or by the dealer's officers, agents or employees.

37 (d) ~~The secretary may charge and collect an amount necessary for~~
38 ~~the purpose of administering the provisions of this act. Such amount shall~~
39 ~~not exceed the cost for administering this act and shall be collected from~~
40 ~~the fee imposed herein prior to any other remittance by the secretary. All~~
41 ~~fees remaining monies received under this section shall be remitted to the~~
42 ~~state treasurer in accordance with K.S.A. 2-2464a, and amendments~~
43 ~~thereto. Upon receipt of each such remittance, the state treasurer shall~~

All fees

1 deposit the entire amount thereof in the state treasury and 75% of such
2 amount shall be credited to the pesticide use fee fund *to be used for*
3 *carrying out the provisions of this act* and 25% of each such amount shall
4 be credited to the publications fee fund of the Kansas department of
5 agriculture.

6 Sec. 9. K.S.A. 2016 Supp. 2-2464a is hereby amended to read as
7 follows: 2-2464a. [~~Except as otherwise provided in K.S.A. 2-2469(d), and~~
8 ~~amendments thereto,~~] the secretary shall remit all moneys received by or
9 for the secretary under this act and amendments thereto, to the state
10 treasurer in accordance with the provisions of K.S.A. 75-4215, and
11 amendments thereto. Upon receipt of each such remittance, the state
12 treasurer shall deposit the entire amount in the state treasury to the credit
13 of the pesticide use fee fund. All expenditures from the pesticide use fee
14 fund shall be made in accordance with appropriation acts upon warrants of
15 the director of accounts and reports issued pursuant to vouchers approved
16 by the secretary of agriculture or by a person or persons designated by
17 such secretary.

18 Sec. 10. K.S.A. 2016 Supp. 2-3304 is hereby amended to read as
19 follows: 2-3304. (a) Any user of the chemigation process shall register and
20 obtain a chemigation user's permit before using the process.

21 (b) Registration shall consist of making application on a form
22 supplied by the secretary. Such application shall include, but not be limited
23 to:

24 (1) The name of the persons to whom a permit is to be issued,
25 including an owner or operator of land on which chemigation is to be used;
26 (2) a plan for using anti-pollution devices;
27 (3) a plan for handling tail water or accumulations of water;
28 (4) the number and locations, including a legal description, of
29 wellheads which may be involved in the chemigation process and surface
30 water supply withdrawal points, not to include siphon tubes; and
31 (5) payment of fees.

32 (c) The application fee for a chemigation user's permit shall be \$75
33 plus \$15 for each additional point of diversion, except that on and after
34 July 1, ~~2018~~ 2025, a chemigation user's permit shall be \$55 plus \$10 for
35 each additional point of diversion. A chemigation user's permit may be
36 renewed each year upon making an application, payment of the application
37 fee and completing the report form providing information used in
38 chemigation the previous year.

39 Sec. 11. K.S.A. 2016 Supp. 2-3306 is hereby amended to read as
40 follows: 2-3306. (a) Any individual operating chemigation equipment
41 under a chemigation user permit shall be responsible for the safe operation
42 of such chemigation equipment and any such equipment shall be
43 considered to be under the direct supervision of the chemigation user