

3  
4 **HOUSE BILL No. 2123**

5  
6 By Committee on Agriculture

7  
8 1-23

9  
10 AN ACT concerning agriculture; relating to disposition of moneys; fee  
11 funds; amending K.S.A. 47-504 and K.S.A. 2000 Supp. **2-1004**, 2-  
12 1012, **2-2440**, 2-2464a, **2-3304**, 2-3315, **65-708**, 65-708a, **65-745**,  
13 **65-750** and 74-554 and repealing the existing sections.

14  
15 *Be it enacted by the Legislature of the State of Kansas:*

16 **Section 1. K.S.A. 2000 Supp. 2-1004 is hereby amended to**  
17 **read as follows: 2-1004. (a) ~~(1) On and after the effective date of this~~**  
18 **~~act through June 30, 1999, Each manufacturer, importer, jobber,~~**  
19 **~~firm, association, corporation or person, manufacturing or selling~~**  
20 **~~any commercial feeding stuffs, shall pay to the secretary of the state~~**  
21 **~~board of agriculture an inspection fee of ~~\$.105~~ \$.10 per ton of 2,000~~**  
22 **~~pounds, or fraction thereof, for each commercial feeding stuffs~~**  
23 **~~sold, offered or exposed for sale or distributed in this state.~~**

24 **~~(2) On and after July 1, 1999, each manufacturer, importer, jobber,~~**  
25 **~~firm, association, corporation or person, manufacturing or selling any~~**  
26 **~~commercial feeding stuffs, shall pay to the secretary of the state board of~~**  
27 **~~agriculture an inspection fee of \$.10 per ton of 2,000 pounds, or fraction~~**  
28 **~~thereof, for each commercial feeding stuffs sold, offered or exposed for~~**  
29 **~~sale or distributed in this state.~~**

30 **(b) Each manufacturer, importer, jobber, firm, corporation,**  
31 **association of persons or person shall report to the secretary of the**  
32 **state board of agriculture the tonnage of commercial feeding stuffs**  
33 **sold and shall pay the inspection fee on the basis of such report.**

34 **(c) In the case of specialty pet foods or pet foods which are**  
35 **distributed in the state in packages of 10 pounds or less, an annual**  
36 **fee of \$25 shall be paid in lieu of the inspection fee.**

37 **(d) In the case of specialty pet foods which is distributed in the**  
38 **state in packages of one pound or less, an annual fee of \$15 shall**  
39 **be paid in lieu of the inspection fee.**

40 **(e) The minimum inspection fee shall be \$15 and shall be paid**  
41 **semiannually.**

42 **(f) The applicant shall keep such records as may be necessary**  
43 **to indicate accurately the tonnage of commercial feeding stuffs**

1 **sold, and as are satisfactory to the secretary, and granting the sec-**  
2 **retary or the secretary's duly authorized representative permis-**  
3 **sion to verify the statement of tonnage. The report shall be filed**  
4 **in the office of the secretary of the state board of agriculture, and**  
5 **the report of tonnage and inspection fee shall be due semiannually**  
6 **on the first day of January and the first day of July, covering the**  
7 **tonnage of commercial feeding stuffs sold the preceding six**  
8 **months.**

9 **(g) If more than one manufacturer, importer, jobber, firm, as-**  
10 **sociation, corporation or person is involved in the chain of distri-**  
11 **bution, the manufacturer, importer, jobber, firm, association, cor-**  
12 **poration or person who first sells or distributes a commercial**  
13 **feeding stuff for further sale or distribution in this state shall be**  
14 **responsible for payment of the applicable inspection fee for each**  
15 **commercial feeding stuff sold or distributed by the manufacturer,**  
16 **importer, jobber, firm, association, corporation or person.**

17 **(h) No inspection fee shall be required for any commercial**  
18 **feeding stuff sold under the name and label of another licensee if**  
19 **the inspection fee has or will be paid by a prior manufacturer,**  
20 **importer, jobber, firm, association, corporation or person in the**  
21 **chain of distribution as evidenced by an invoice or sales receipt.**

22 **(i) No inspection fee shall be required for any commercial**  
23 **feeding stuff on which the inspection fee has or will be paid by a**  
24 **prior manufacturer, importer, jobber, firm, association, corpora-**  
25 **tion or person in the chain of distribution as evidenced by an in-**  
26 **voice or sales receipt.**

27 **(j) If inspection fees, which are due and owing, have not been**  
28 **remitted to the secretary within 30 days following the due date or**  
29 **if the report of tonnage is not accurate, the secretary shall impose**  
30 **a delinquency fee equal to 10% of the amount due or \$50, which-**  
31 **ever is greater. Such delinquency fee shall be in addition to the**  
32 **amount due.**

33 Section ~~1~~ 2. K.S.A. 2000 Supp. 2-1012 is hereby amended to read  
34 as follows: 2-1012. The secretary shall remit all moneys received by or  
35 for the secretary under article 10 of chapter 2 of Kansas Statutes Anno-  
36 tated and amendments thereto to the state treasurer at least monthly.  
37 Upon receipt of any such remittance the state treasurer shall deposit the  
38 entire amount thereof in the state treasury and *an amount equal to \$.005*  
39 *per ton of 2,000 pounds or fraction thereto for each commercial feeding*  
40 *stuffs sold, offered or exposed for sale or distribution in this state shall be*  
41 *credited to the laboratory equipment fund created by K.S.A. 2000 Supp.*  
42 *74-554, and amendments thereto, and the same remainder shall be cred-*  
43 *ited to the feeding stuffs fee fund. On and after July 1, 2000, through*

1 June 30, 2002, an amount not to exceed \$35,000 per year may be used  
2 to fund plant pest activities. All expenditures from the feeding stuffs fee  
3 fund shall be made in accordance with appropriation acts upon warrants  
4 of the director of accounts and reports issued pursuant to vouchers ap-  
5 proved by the secretary of the ~~department~~ of agriculture or by a person  
6 or persons designated by the secretary.

7 **Sec. 3. K.S.A. 2000 Supp. 2-2440 is hereby amended to read**  
8 **as follows: 2-2440. (a) Subject to the provisions of subsection (d),**  
9 **it is unlawful for any pesticide business which has not been issued**  
10 **a pesticide business license to:**

11 **(1) Advertise, offer for sale, sell or perform any service for the**  
12 **control of a pest on the property of another or apply a pesticide**  
13 **to the property of another within this state; or**

14 **(2) perform any service for the control of a pest or apply any**  
15 **pesticide on or at the premises of another person under any com-**  
16 **mission, division of receipts or subcontracting arrangement with a**  
17 **licensed pesticide business.**

18 **Nothing in this subsection shall be construed to require the li-**  
19 **censing of any person applying restricted use pesticides to the**  
20 **property of another as a certified private applicator or under the**  
21 **supervision of a certified private applicator.**

22 **(b) Application for a pesticide business license or renewal shall**  
23 **be made in writing to the secretary on a designated form obtained**  
24 **from the secretary's office and shall be accompanied by an appli-**  
25 **cation fee per category in which the licensee applies, and an ad-**  
26 **ditional fee for each uncertified individual employed by the ap-**  
27 **plicant to apply pesticides. ~~On and after the effective date of this act~~**  
28 **through June 30, 1999, The application fee per category shall be**  
29 **\$112 per category in which the licensee applies. ~~On and after July~~**  
30 **1, 1999, the application fee per category shall be \$100 per category in**  
31 **which the license applies. An additional fee of \$10 shall be paid for**  
32 **each uncertified individual employed by the applicant to apply**  
33 **pesticides. The application fee per category and the additional fee**  
34 **for each uncertified employee in effect on the day preceding the**  
35 **effective date of this act shall continue in effect until the state**  
36 **board of agriculture adopts rules and regulations fixing a different**  
37 **fee therefor under this subsection. Any uncertified individual em-**  
38 **ployed for a period of more than 10 days in a 30-day period or for**  
39 **five consecutive days by a licensee to apply pesticides subsequent**  
40 **to such application shall be reported to the secretary within 30**  
41 **days of such employee's hiring and the fee shall be paid at that**  
42 **time. Each application shall also include the following:**

43 **(1) The business name of the person applying for such license**

1 or renewal;

2 (2) if the applicant is an individual, receiver, trustee, represen-  
3 tative, agent, firm, partnership, association, corporation or other  
4 organized group of persons, whether or not incorporated, the full  
5 name of each owner of the firm or partnership or the names of the  
6 officers of the association, corporation or group;

7 (3) the principal business address of the applicant in the state  
8 and elsewhere; and

9 (4) any other information the secretary, by rules and regula-  
10 tions, deems necessary for the administration of this act.

11 (c) The secretary may issue a pesticide business license to apply  
12 pesticides in categories for which an applicant has applied if the  
13 applicant files the bond, insurance, letter of credit or proof of an  
14 escrow account as required under K.S.A. 2-2448, and amendments  
15 thereto, satisfies the requirements of subsection (b), and pays the  
16 required fees. Such license shall expire at the end of the calendar  
17 year for which it is issued unless it has been revoked or suspended  
18 prior thereto. If a license is not issued as applied for, the secretary  
19 shall inform the applicant in writing of the reasons therefor.

20 (d) The following persons shall be exempted from the licensing  
21 requirements of this act:

22 (1) State or federal personnel using pesticides or pest control  
23 services while engaged in pesticide use research;

24 (2) veterinarians or physicians using pesticides as a part of  
25 their professional services; and

26 (3) any person or such person's employee who applies pesti-  
27 cides on or at premises owned, leased or operated by such person.

28 (e) Subject to the provisions of subsection (d), it is unlawful for  
29 any governmental agency which has not been issued a government  
30 agency registration to apply pesticides within this state. Applica-  
31 tion for government agency registration shall be made in writing  
32 to the secretary on a designated form obtained from the secretary's  
33 office and shall be accompanied by a fee fixed by rules and regu-  
34 lations adopted by the state board of agriculture, except that such  
35 fee shall not exceed \$35. The governmental agency registration  
36 fee in effect on the day preceding the effective date of this act shall  
37 continue in effect until the state board of agriculture adopts rules  
38 and regulations fixing a different fee therefor under this subsec-  
39 tion. No fee shall be required of any township located within a  
40 county which has previously applied for and received government  
41 agency registration. Each application for registration shall contain  
42 information including, but not limited to:

43 (1) The name of the government agency;

1     **(2) the mailing address of the applicant;**

2     **(3) the name and mailing address of the person who heads such**  
3 **agency and who is authorized to receive correspondence and legal**  
4 **papers. Such person shall be (A) the mayor or city manager for**  
5 **municipalities, (B) the chairperson of the board of county com-**  
6 **missioners for counties, (C) the township trustee for townships or**  
7 **(D) any person designated by any other governmental agency; and**

8     **(4) any other information the secretary, by rules and regula-**  
9 **tions, deems necessary for the administration of this act.**

10     **(f) If the secretary finds the application to be sufficient, the**  
11 **secretary shall issue a government agency registration. The gov-**  
12 **ernment agency is not required to furnish a surety bond under this**  
13 **act. Such government agency registration shall expire at the end**  
14 **of the calendar year for which it is issued unless it has been re-**  
15 **voked or suspended prior thereto. If a registration is not issued as**  
16 **applied for, the secretary shall inform the applicant in writing of**  
17 **the reasons therefor.**

18     **(g) A pesticide business license or government agency regis-**  
19 **tration may be renewed by meeting the same requirements as for**  
20 **a new license or registration. Neither the pesticide business license**  
21 **nor the government agency registration shall be transferable, ex-**  
22 **cept that, in the event of the disability, incapacity or death of the**  
23 **owner, manager or legal agent of a pesticide business licensee, a**  
24 **permit may be issued by the secretary to permit the operation of**  
25 **such business until the expiration period of the license in effect at**  
26 **the time of such disability, incapacity or death if the applicant**  
27 **therefor can show that the policies and services of such business**  
28 **will continue substantially as before, with due regard to protection**  
29 **of the public and the environment.**

30     **(h) No pesticide business license may be issued to any person**  
31 **until such person is or has in such person's employ one or more**  
32 **individuals who are certified commercial applicators in each of the**  
33 **categories for which the license application is made.**

34     ~~Sec. 2-4.~~ K.S.A. 2000 Supp. 2-2464a is hereby amended to read as  
35 follows: 2-2464a. The secretary shall remit all moneys received by or for  
36 the secretary under this act and amendments thereto, to the state trea-  
37 surer at least monthly. ~~On and after the effective date of this act through~~  
38 ~~June 30, 1999,~~ Upon receipt of any such remittance, the state treasurer  
39 shall deposit the entire amount thereof in the state treasury and ~~an~~  
40 amount equal to \$12 per category of pesticide business license shall be  
41 credited to the laboratory equipment fund created by K.S.A. 2000 Supp.  
42 74-554, and amendments thereto, and the remainder shall be credited to  
43 the pesticide use fee fund. ~~On and after July 1, 1999, upon receipt of any~~

1 such remittance, the state treasurer shall deposit the entire amount  
2 thereof in the state treasury and the same shall be credited to the pesticide  
3 use fee fund. All expenditures from the pesticide use fee fund shall be  
4 made in accordance with appropriation acts upon warrants of the director  
5 of accounts and reports issued pursuant to vouchers approved by the  
6 secretary of the state board of agriculture or by a person or persons des-  
7 ignated by such secretary.

8 **Sec. 5. K.S.A. 2000 Supp. 2-3304 is hereby amended to read**  
9 **as follows: 2-3304. (a) Any user of the chemigation process shall**  
10 **register and obtain a chemigation user's permit before using the**  
11 **process.**

12 **(b) Registration shall consist of making application on a form**  
13 **supplied by the secretary. Such application shall include, but not**  
14 **be limited to:**

15 **(1) The name of the persons to whom a permit is to be issued**  
16 **(owner or operator of land on which chemigation is to be used);**

17 **(2) a plan for using anti-pollution devices;**

18 **(3) a plan for handling tail water or accumulations of water;**

19 **(4) the number and locations (legal description) of wellheads**  
20 **which may be involved in the chemigation process and surface**  
21 **water supply withdrawal points, not to include siphon tubes; and**

22 **(5) payment of fees.**

23 **(c) ~~On and after the effective date of this act through June 30, 1999,~~**  
24 **The application fee for a chemigation user's permit shall be \$55**  
25 **plus \$10 for each additional point of diversion. ~~On and after July 1,~~**  
26 **~~1999, the application fee for a chemigation user's permit shall be \$50 plus~~**  
27 **~~\$10 for each additional point of diversion. A chemigation user's permit~~**  
28 **may be renewed each year upon making an application, payment**  
29 **of the application fee and completing the report form providing**  
30 **information used in chemigation the previous year.**

31 **Sec. ~~3~~ 6. K.S.A. 2000 Supp. 2-3315 is hereby amended to read as**  
32 **follows: 2-3315. The secretary shall remit all moneys received under this**  
33 **act to the state treasurer at least monthly. ~~On and after the effective date~~**  
34 **~~of this act through June 30, 1999,~~ Upon receipt of any such remittance,**  
35 **the state treasurer shall deposit the entire amount thereof in the state**  
36 **treasury and an amount equal to \$5 for each chemigation user's permit**  
37 **shall be credited to the laboratory equipment fund created by K.S.A. 2000**  
38 **Supp. 74-554, and amendments thereto, and the remainder shall be cred-**  
39 **ited to the chemigation fee fund. ~~On and after July 1, 1999, upon receipt~~**  
40 **~~of any such remittance, the state treasurer shall deposit the entire amount~~**  
41 **~~thereof in the state treasury and the same shall be credited to the chem-~~**  
42 **~~igation fee fund. All expenditures from the chemigation fee fund shall be~~**  
43 **made in accordance with appropriation acts upon warrants of the director**

1 of accounts and reports issued pursuant to vouchers approved by the  
2 secretary of ~~the state board of~~ agriculture or by a person or persons des-  
3 ignated by the secretary.

4 Sec. ~~4.~~ 7. K.S.A. 47-504 is hereby amended to read as follows: 47-  
5 504. (a) ~~On and after the effective date of this act through June 30, 1999,~~  
6 The registration fee shall be \$12 for each livestock remedy or brand  
7 thereof. ~~On and after July 1, 1999, the registration fee shall be \$10 for~~  
8 ~~each livestock remedy or brand thereof.~~

9 (b) All registrations shall expire on December 31 of each year. ~~On~~  
10 ~~and after the effective date of this act through June 30, 1999 except that,~~  
11 the registration may be continued in force and effect upon the payment  
12 of a renewal fee of \$12 per year per brand. ~~On and after July 1, 1999, the~~  
13 ~~registration may be continued in force and effect upon the payment of a~~  
14 ~~renewal fee of \$10 per year per brand.~~ For a period of less than six months  
15 the registration fee shall be  $\frac{1}{2}$  the annual fee.

16 (c) When a livestock remedy has been registered and the registration  
17 fee paid by the manufacturer or distributor no other person shall be  
18 required to pay the fee. When a package of livestock remedy is or has  
19 been sold in Kansas during the period when a valid registration was in  
20 force and effect and the registration fee paid, the sale of the package shall  
21 not be subject to the payment of further registration fees.

22 (d) If the fees herein stated provide more revenue than necessary for  
23 the enforcement of this act, the ~~state board~~ *secretary* of agriculture is  
24 hereby authorized to adopt rules and regulations under this section to  
25 reduce the original registration or renewal fee or either of them by reg-  
26 ulation, or to adopt rules and regulations under this section to increase  
27 the registration or renewal fee if decided necessary, but not in excess of  
28 the amounts of the fees set forth in this act.

29 (e) The secretary of the state board of agriculture shall remit all mon-  
30 eys received by or for the secretary under the acts contained in article 5  
31 of chapter 47 of the Kansas Statutes Annotated and amendments thereto  
32 to the state treasurer at least monthly. ~~On and after the effective date of~~  
33 ~~this act through June 30, 1999,~~ Upon receipt of any such remittance the  
34 state treasurer shall deposit the entire amount thereof in the state treasury  
35 and an amount equal to \$2 per registration fee shall be credited to the  
36 laboratory equipment fund created by K.S.A. 2000 Supp. 74-554, and  
37 amendments thereto, and the remainder shall be credited to the livestock  
38 remedies fee fund. ~~On and after July 1, 1999, upon receipt of any such~~  
39 ~~remittance, the state treasurer shall deposit the entire amount thereof in~~  
40 ~~the state treasury and the same shall be credited to the livestock remedies~~  
41 ~~fee fund.~~ All expenditures from such fund shall be made in accordance  
42 with appropriation acts upon warrants of the director of accounts and  
43 reports issued pursuant to vouchers approved by the secretary of ~~the state~~

1 board of agriculture or by a person or persons designated by the secretary.

2 **Sec. 8. K.S.A. 2000 Supp. 65-708 is hereby amended to read**  
3 **as follows: 65-708. The following fees for a statewide system of milk**  
4 **inspection and regulatory services pertaining to milk for manufac-**  
5 **turing grade purposes are hereby established:**

6 ~~(a) On and after the effective date of this act through June 30, 1999,~~  
7 **A milk fee of \$.011 per 100 pounds of milk or cream for manufac-**  
8 **turing purposes produced by milk producers under Kansas man-**  
9 **ufacturing grade milk inspection shall be paid. On and after July 1,**  
10 ~~1999, a milk fee of \$.01 per 100 pounds of milk or cream for manufac-~~  
11 ~~turing purposes produced by milk producers under Kansas manufacturing~~  
12 ~~grade milk inspection shall be paid. Each such producer is hereby~~  
13 **charged with such fee which shall be paid to the milk producers'**  
14 **cooperative, dairy manufacturing plant or any other person to**  
15 **whom the milk or cream for manufacturing purposes is sold or**  
16 **delivered. Each such cooperative, dairy manufacturing plant or**  
17 **other person is hereby charged with the duty of collecting such**  
18 **fees which shall be remitted to the state dairy commissioner.**

19 ~~(b) On and after the effective date of this act through June 30, 1999,~~  
20 **A fee of \$.0081 per 100 pounds of Kansas produced milk or cream**  
21 **for manufacturing purposes or other Kansas produced milk deliv-**  
22 **ered to a dairy manufacturing plant shall be paid on all Kansas**  
23 **milk used in the manufacturing of dairy products. On and after July**  
24 ~~1, 1999, a fee of \$.075 per 100 pounds of Kansas produced milk or cream~~  
25 ~~for manufacturing purposes or other Kansas produced milk delivered to~~  
26 ~~a dairy manufacturing plant shall be paid on all Kansas milk used in the~~  
27 ~~manufacturing of dairy products. As used in this subsection, the term~~  
28 **dairy products shall not include any frozen dairy dessert or frozen**  
29 **dairy dessert mix. Each dairy manufacturing plant shall pay the**  
30 **fee provided for in this subsection and remit the fee to the dairy**  
31 **commissioner. If the fee computed pursuant to this section is less**  
32 **than \$2.50, a minimum fee of \$2.50 shall be paid.**

33 ~~(c) On and after the effective date of this act through June 30, 1999,~~  
34 **In lieu of the fee prescribed in paragraph (2), a fee of \$1.10 per**  
35 **thousand gallons of frozen dairy dessert or frozen dairy dessert**  
36 **mix shall be paid by the manufacturer thereof. On and after July 1,**  
37 ~~1999, in lieu of the fee prescribed in paragraph (2) a fee of \$1 per thou-~~  
38 ~~sand gallons of frozen dairy dessert or frozen dairy dessert mix shall be~~  
39 ~~paid by the manufacturer thereof. Each such manufacturer of frozen~~  
40 **dairy dessert or frozen dairy dessert mix is hereby charged with**  
41 **the fee provided for in this subsection which shall be remitted to**  
42 **the state dairy commissioner. Frozen dairy dessert mix which is**  
43 **further processed into the corresponding frozen dairy dessert by**



1 **the manufacturer of the frozen dairy dessert mix shall not be sub-**  
2 **ject to the fee required by this subsection. If the fee computed**  
3 **pursuant to this subsection is less than \$7.50, a minimum quarterly**  
4 **remittance of \$7.50 shall be paid.**

5 ~~On and after the effective date of this act through June 30, 1999,~~  
6 **A fee of \$1.10 per thousand gallons of frozen dairy dessert or fro-**  
7 **zen dairy dessert mix imported for retail sale in Kansas shall be**  
8 **paid by the milk distributor who imports these products.** ~~On and~~  
9 ~~after July 1, 1999, a fee of \$1 per thousand gallons of frozen dairy dessert~~  
10 ~~or frozen dairy dessert mix imported for retail sale in Kansas shall be paid~~  
11 ~~by the milk distributor who imports these products.~~ **The distributor**  
12 **shall pay and remit the fee to the dairy commissioner quarterly. If**  
13 **the fee computed pursuant to this subsection is less than \$7.50, a**  
14 **minimum fee of \$7.50 shall be remitted by each distributor.**

15 **(e) All monthly fees established in paragraphs (1) and (2) shall**  
16 **be remitted on or before the 30th day of each month for the cal-**  
17 **endar month immediately preceding. All quarterly fees established**  
18 **in paragraphs (3) and (4) shall be remitted on April 30, July 31,**  
19 **October 31 and January 31 for the three calendar months imme-**  
20 **diately preceding. Any fees established by this section which are**  
21 **not received by the dairy commissioner shall be subject to a pen-**  
22 **alty of 1% of the amount due per day or \$5 whichever amount is**  
23 **larger.**

24 ~~Sec. 5- 9.~~ K.S.A. 2000 Supp. 65-708a is hereby amended to read as  
25 follows: 65-708a. (a) The state dairy commissioner shall remit all moneys  
26 received by or for the commissioner under article 7 of chapter 65 of  
27 Kansas Statutes Annotated and amendments thereto {, except K.S.A. 65-  
28 737 ~~to through~~ 65-750, ~~inclusive,~~ and amendments thereto}, to the state  
29 treasurer at least monthly.

30 ~~(b) On and after the effective date of this act through June 30, 1999,~~  
31 Upon receipt of any such remittance the state treasurer shall deposit the  
32 entire amount thereof in the state treasury and the same shall be credited  
33 as follows: (1) An amount equal to \$.0010 per 100 pounds of milk or  
34 cream for manufacturing purposes produced by milk producers under  
35 the Kansas manufacturing grade milk inspection fee shall be credited to  
36 the laboratory equipment fund created by K.S.A. 2000 Supp. 74-554, and  
37 amendments thereto; (2) \$.0006 per 100 pounds of Kansas produced milk  
38 or cream for manufacturing purposes or other Kansas produced milk  
39 delivered to a dairy manufacturing plant and used in the manufacturing  
40 of dairy products shall be credited to the laboratory equipment fund cre-  
41 ated by K.S.A. 2000 Supp. 74-554, and amendments thereto; (3) an  
42 amount equal to \$.10 per thousand gallons of frozen dairy dessert or  
43 frozen dairy dessert mix manufactured in this state or imported for retail

1 sale in Kansas shall be credited to the laboratory equipment fund created  
2 by K.S.A. 2000 Supp. 74-554, and amendments thereto; and (4) the re-  
3 mainder shall be credited to the dairy division fee fund. ~~On and after July~~  
4 ~~1, 1999, upon receipt of any such remittance, the state treasurer shall~~  
5 ~~deposit the entire amount thereof in the state treasury and the same shall~~  
6 ~~be credited to the dairy division fee fund.~~

7 (c) All expenditures from the dairy division fee fund shall be made  
8 in accordance with appropriation acts upon warrants of the director of  
9 accounts and reports issued pursuant to vouchers approved by the com-  
10 missioner or by a person or persons designated by the commissioner.

11 **Sec. 10. K.S.A. 2000 Supp. 65-745 is hereby amended to read**  
12 **as follows: 65-745. The following fees for the statewide system of**  
13 **milk inspection and regulatory services, established pursuant to**  
14 **K.S.A. 65-737a, and amendments thereto, are hereby established:**

15 (a) ~~On and after the effective date of this act through June 30, 1999,~~  
16 **A fee of \$.011 for each such 100 pounds of milk produced by milk**  
17 **producers under Kansas grade A inspection.** ~~On and after July 1,~~  
18 ~~1999, a fee of \$.01 for each such 100 pounds of milk produced by milk~~  
19 ~~producers under Kansas grade A inspection.~~ **Each such producer is**  
20 **hereby charged with such fee, which shall be paid to the milk pro-**  
21 **ducers' cooperative, milk processor or milk distributor to whom**  
22 **the milk is sold or delivered. Each such cooperative, processor or**  
23 **distributor is hereby charged with the duty of collecting such fees,**  
24 **which shall be remitted to the state dairy commissioner in accord-**  
25 **ance with the provisions of K.S.A. 65-746, and amendments**  
26 **thereto.**

27 (b) ~~On and after the effective date of this act through June 30, 1999,~~  
28 **A fee of \$.011 for each such 100 pounds of packaged grade A pas-**  
29 **teurized milk or milk products sold in Kansas at retail to the final**  
30 **consumer.** ~~On and after July 1, 1999, a fee of \$.01 for each such 100~~  
31 ~~pounds of packaged grade A pasteurized milk or milk products sold in~~  
32 ~~Kansas at retail to the final consumer.~~ **Each such distributor is hereby**  
33 **charged with the fee provided for in this subsection, which shall**  
34 **be remitted to the state dairy commissioner in accordance with the**  
35 **provisions of K.S.A. 65-746, and amendments thereto. If any fee**  
36 **computed pursuant to this subsection is less than \$2.50, then the**  
37 **sum of \$2.50 shall be paid in lieu of such computed fee.**

38 (c) ~~On and after the effective date of this act through June 30, 1999,~~  
39 **A fee of \$.011 per 100 pounds or fraction thereof of grade A raw**  
40 **milk for pasteurization delivered to a milk processor within the**  
41 **state of Kansas which is processed into grade A milk or grade A**  
42 **milk products shall be paid.** ~~On and after July 1, 1999, a fee of \$.01~~  
43 ~~per 100 pounds or fraction thereof of grade A raw milk for pasteurization~~

1 delivered to a milk processor within the state of Kansas which is processed  
2 into grade A milk or grade A milk products shall be paid. **Each such**  
3 **milk processor is hereby charged with such fee which shall be re-**  
4 **mitted to the state dairy commissioner in accordance with the pro-**  
5 **visions of K.S.A. 65-746, and amendments thereto. If any fee com-**  
6 **puted pursuant to this subsection is less than \$2.50, then the sum**  
7 **of \$2.50 shall be paid in lieu of such computed fee.**

8 **Sec. 11. K.S.A. 2000 Supp. 65-750 is hereby amended to read**  
9 **as follows: 65-750. (a) The commissioner shall remit all moneys**  
10 **received by or for him under K.S.A. 65-737 to 65-750, inclusive,**  
11 **and amendments thereto, to the treasurer at least monthly. Upon**  
12 **receipt of any such remittance the state treasurer shall deposit the**  
13 **entire amount thereof in the state treasury and the same shall be**  
14 **credited as follows: (1) An amount equal to \$.001 per 100 pounds**  
15 **of milk produced by milk producers under Kansas grade A inspec-**  
16 **tion shall be credited to the laboratory equipment fund created by**  
17 **K.S.A. 2000 Supp. 74-554, and amendments thereto; (2) an amount**  
18 **equal to \$.001 for each 100 pounds of packaged grade A pasteur-**  
19 **ized milk or milk products sold in Kansas at retail to the final con-**  
20 **sumer, or sold to any person for resale in Kansas at retail to the**  
21 **final consumer, by a milk distributor shall be credited to the lab-**  
22 **oratory equipment fund created by K.S.A. 2000 Supp. 74-554, and**  
23 **amendments thereto; and (3) an amount equal to \$.001 per 100**  
24 **pounds or fraction thereof of grade A raw milk for pasteurization**  
25 **delivered to a milk processor within the state of Kansas which is**  
26 **processed into grade A milk or grade A milk products shall be**  
27 **credited to the laboratory equipment fund created by K.S.A. 2000**  
28 **Supp. 74-554, and amendments thereto; and (4) the remainder shall**  
29 **be credited to the grade A milk fee fund. On and after July 1, 1999, upon**  
30 **receipt of any such remittance the state treasurer shall deposit the entire**  
31 **amount thereof in the state treasury and the same shall be credited to**  
32 **the grade A milk fee fund.**

33 **(b) All expenditures from such fund shall be made in accord-**  
34 **ance with appropriation acts upon warrants of the director of ac-**  
35 **counts and reports issued pursuant to vouchers approved by the**  
36 **commissioner or by a person or persons designated by the**  
37 **commissioner.**

38 ~~Sec. 6-12.~~ **K.S.A. 2000 Supp. 74-554 is hereby amended to read as**  
39 **follows: 74-554. There is hereby created a laboratory equipment fund in**  
40 **the state treasury. All moneys credited to the laboratory equipment fund**  
41 **shall be expended for the acquisition and replacement of equipment used**  
42 **by the state board Kansas department of agriculture laboratory. All ex-**  
43 **penditures from the laboratory equipment fund shall be made in accord-**

1 ance with appropriation acts upon warrants of the director of accounts  
2 and reports issued pursuant to vouchers approved by the secretary of ~~the~~  
3 ~~state board of~~ agriculture or by a person or persons designated by the  
4 secretary.

5 Sec. ~~7~~ **13**. K.S.A. 47-504 and K.S.A. 2000 Supp. ~~2-1004~~, 2-1012, ~~2-~~  
6 ~~2440~~, 2-2464a, ~~2-3304~~, 2-3315, ~~65-708~~, 65-708a, ~~65-745~~, ~~65-750~~ and  
7 74-554 are hereby repealed.

8 Sec. ~~8~~ **14**. This act shall take effect and be in force from and after  
9 its publication in the statute book.

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