

MINUTES OF THE HOUSE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on March 2, 2005, in Room 423-S of the Capitol.

All members were present except:

- Representative John Faber - excused
- Representative Harold Lane - excused
- Representative Bruce Larkin - excused
- Representative Bill Light - excused

Committee staff present:

- Raney Gilliland, Kansas Legislative Research Department
- Gordon Self, Revisor of Statutes Office
- Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

- Steven Bittel, Executive Director, Kansas Rural Development Council
- Constantine Cotsoradis, Assistant Secretary, Kansas Department of Agriculture

Others attending:

See attached list.

Minutes of the February 9, 14, and 16 meetings were distributed. Members were asked to notify the committee secretary of any corrections or additions prior to Friday, March 4, or the minutes will be considered approved as presented.

Chairman Johnson reported that he had been contacted by a delegation from Taiwan requesting introduction of a resolution in support of a Taiwan-United States Free Trade Agreement. He stated that this committee will introduce such a resolution if there are no objections. Seeing none, it was so ordered.

Steven Bittel, Executive Director, Kansas Rural Development Council, presented his report, *Kansas Crossroads: The Future of Rail Freight Movement in Rural Kansas*, published in May, 2004. He discussed the loss of rail service and its economic impact on rural communities. A copy of the report can be obtained from Mr. Bittel at the Kansas Rural Development Council in Topeka or at [www.ksrdc.org](http://www.ksrdc.org)

**Hearing on SB 113 - Raises the registration fees for soil amendment products**

Chairman Johnson opened the hearing on **SB 113**. Raney Gilliland explained that **SB 113** would increase the maximum registration fee to register a soil amendment product with the Kansas Department of Agriculture from \$60 to \$100 per product, and delete the sunset provision in current law which would have expired on June 30, 2010. The bill would also repeal a section of law (Attachment 1) which permits the Kansas Department of Agriculture to charge an inspection fee based on the tonnage of soil amendment products sold in the state and requires that registrants report to the agency tonnage distributed by county.

Constantine Cotsoradis, Assistant Secretary, Kansas Department of Agriculture, appeared in support of **SB 113** to streamline the reporting requirements in the Soil Amendment Act. He explained that before a soil amendment can be sold, the company registering it for use in Kansas must prove that it works in the way they claim that it does. He reported that currently there are 12 firms with 15 products registered in Kansas and they are required to report tonnage twice a year even if they did not have any sales during the reporting period. He stated that elimination of the reporting requirement and tonnage fees will benefit both industry and their pesticide and fertilizer program. To offset lost tonnage fees, this legislation would increase the registration fee for soil amendment products from \$60 to \$100 per product. (Attachment 2)

There being no other conferees, the hearing on **SB 113** was closed. Staff noted that a technical amendment would be necessary when the bill is worked.

CONTINUATION SHEET

MINUTES OF THE House Agriculture Committee at 3:30 p.m. on March 2, 2005, in Room 423-S of the Capitol.

**Hearing and action on SB 219 - Creating the pest control compact**

Chairman Johnson opened the hearing on **SB 219**. Raney Gilliland explained that **SB 219** would enact the Pest Control Compact which is a multi-state effort to allow individual states to obtain financial support to control plant pests in a cooperative manner. Kansas is already a member of the compact; however, that language which had authorized the Secretary of Agriculture to enter into the compact (Attachment 3) was inadvertently repealed in 2002.

Constantine Cotsoradis, Assistant Secretary, Kansas Department of Agriculture, testified in support of **SB 219**. He explained that adoption of the model language from the Interstate Pest Control Compact is necessary for Kansas to retain its voting privileges. The state is currently a dues-paying member with full voting rights, but could lose the right to vote if the model language is not adopted in statute. Being a voting member means the state will be able to participate fully in the compact and help ensure that we receive the assistance we may need in the future. (Attachment 4)

Mr. Cotsoradis and Tom Sim, Plant Protection and Weed Control Program Manager, answered committee questions. It was learned that the State of Kansas has already paid approximately \$28,000 in membership dues and that thirty-five states currently belong to the compact.

As there were no other conferees, the Chairman closed the hearing on **SB 219** and opened the floor for discussion.

Representative Svaty moved to recommend SB 219 favorable for passage and, because the bill is of a noncontroversial nature, be placed on the consent calendar. Seconded by Representative Miller, the motion carried.

The meeting adjourned at 4:15 p.m. The next meeting is scheduled for March 7, 2005.



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## 2-2806

### Chapter 2.--AGRICULTURE

#### Article 28.--SOIL AMENDMENT ACT

**2-2806. Same; inspection fee; records required; report; failure to file report, penalty.** (a) The registrant shall pay to the secretary an inspection fee of \$.20, or commencing July 1, 2002, and ending June 30, 2005, an inspection fee of \$.28 per ton on all products registered and sold in this state, except that, in the case of manipulated animal manures, such fee shall only be assessed on the tonnage of ingredients added to the otherwise unmanipulated animal manures. Each registrant shall keep adequate records of such registrant's sales, and shall file with the secretary, on a semiannual basis, a signed report of the tonnage distributed by county during the preceding six-month periods beginning July first to and including December 31st and January first to and including June 30th. The report and payment of the inspection fee shall be due within 30 days from the date of the close of each period.

(b) If the report is not filed, if the report is false in any respect or if the inspection fee is not paid within the 30-day period, the secretary may revoke the registration. A penalty of \$ or commencing July 1, 2002, and ending June 30, 2005, a penalty of \$10 per day is assessed for each day the payment is overdue until paid. The inspection fee and the penalty shall constitute a debt and become the basis for a judgment against the registrant which may be collected by the secretary in any court of competent jurisdiction without prior demand.

(c) The secretary is hereby authorized to reduce the inspection fee provided for in subsection (a) whenever the secretary determines that such inspection fee is yielding more than is necessary for the purpose of administering the provisions of this act. The secretary is authorized and empowered to increase such inspection fee, or restore such inspection fee, in full or in part, when such inspection fee is necessary to produce sufficient revenues for the purposes of administering this act but not in excess of the provisions of this section.

**History:** L. 1976, ch. 2, § 6; L. 2002, ch. 181, § 9; July 1.

House Agriculture Committee  
March 2, 2005  
Attachment 1



# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on Senate Bill 113  
to  
The House Committee on Agriculture**

**by Constantine V. Cotsoradis  
Assistant Secretary  
Kansas Department of Agriculture**

**March 2, 2005**

Good afternoon Chairman Johnson and members of the committee. I am Constantine Cotsoradis, assistant secretary of agriculture. I am here in support of streamlining the reporting requirements in the Soil Amendment Act.

Soil amendments are any substances intended to improve the physical, chemical or other characteristics of soil, or to improve agricultural crop production. They do not include commercial fertilizers, agricultural liming materials, unmanipulated manures, vegetable compost or pesticides.

Before a soil amendment can be sold, the company registering it for use in Kansas must prove that it works in the way they claim that it does. Requiring label claims to be validated ensures that the people who buy these products can be confident they will perform in the way they expect them to. The changes to the Soil Amendment Act I support today do not alter this requirement.

Currently, there are 12 firms with 15 products registered in Kansas, and they are required to report tonnage twice a year even if they did not have any sales during the reporting period. This is time-consuming for those firms and for our pesticide and fertilizer program, since we must mail reporting forms to the firms and then process the reports and fees. To offset lost tonnage fees, we will increase the registration fee from \$60 to \$100. Ultimately, eliminating the reporting requirement and tonnage fees will be a benefit to industry and our pesticide and fertilizer program.

Thank you. I will gladly stand for questions at the appropriate time.

(q) "Bee pest" means any infectious, contagious or communicable disease or harmful parasite or insects affecting honey bees or their brood.

Sec. 3. K.S.A. 2-2114 is hereby amended to read as follows: 2-2114. The secretary, either independently, or in cooperation with counties, cities, other political subdivisions of the state, federal agencies, agencies of other states or private entities may enter into contracts and agreements and may carry out *official control* operations or measures to locate, and to suppress, control, eradicate, prevent, or retard the spread of, any plant pests. ~~The secretary is authorized to take any actions necessary and convenient for the state to become a party to and participate as a member of the interstate pest control compact.~~

Sec. 4. K.S.A. 2-2115 is hereby amended to read as follows: 2-2115. To effectuate the purposes of this act, the secretary shall have the right to enter and inspect any property in this state, except private residences *dwellings*; or, to stop and inspect any means of conveyance moving within this state, upon probable cause to believe it contains or carries any plant pest or other article subject to this act.

Sec. 5. K.S.A. 2-2116 is hereby amended to read as follows: 2-2116. Wherever the secretary finds a plant ~~or~~ plant product *or other regulated article* that is infested by a plant pest or finds that a plant pest exists on any premises in this state or is in transit in this state, the secretary ~~may~~, upon giving notice to the owner or an agent of the owner in possession thereof, *may* seize, quarantine, treat, or otherwise dispose of such plant pest in such manner as the secretary deems necessary to suppress, control, eradicate, or prevent or retard the spread of ~~said such~~ plant pest, or the secretary may order such owner or agent to so treat or otherwise dispose of the ~~said such~~ plant pest.

Sec. 6. K.S.A. 2-2117 is hereby amended to read as follows: 2-2117. The secretary is authorized to quarantine this state or any portion thereof ~~when he or she shall determine~~ *the secretary determines* that such action is necessary to prevent or retard the spread of a plant pest and to quarantine any other state or portion thereof whenever ~~he or she~~ *the secretary* determines that a plant pest exists therein and that such action is necessary to prevent or retard its spread into this state. Before promulgating the determination that a quarantine is necessary, the secretary ~~shall~~, after due notice to interested parties, *shall* hold a public hearing at which any interested party may appear and be heard either in person or by attorney: *Provided*, The secretary may impose a temporary quarantine for a period not to exceed ~~ninety (90)~~ 90 days during which time a public hearing, as provided ~~herein in this section~~, shall be held if it appears that a quarantine for more than the ~~ninety (90) day~~ 90-day period will be necessary to prevent or retard the spread of the plant pest. The secretary may limit the application of the quarantine to the infested portion of the quarantined area and appropriate environs, to be known as the regulated area,



# KANSAS

DEPARTMENT OF AGRICULTURE  
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**Testimony on Senate Bill 219  
to  
The House Committee on Agriculture**

**by Constantine V. Cotsoradis  
Assistant Secretary  
Kansas Department of Agriculture**

**March 2, 2005**

Good afternoon Chairman Johnson and members of the committee. I am Constantine Cotsoradis, assistant secretary of agriculture, and I am here to testify in support of SB 219.

This is a very long bill but its purpose is simple. We are adopting model language from the Interstate Pest Control Compact that will allow us to keep our voting privileges. We currently are a dues-paying member with full voting rights, but we could lose our right to vote if we do not adopt the model language in statute.

Membership in the Interstate Pest Control Compact is important to prevent plant pests from entering and becoming established in Kansas. The Interstate Pest Control Compact bridges jurisdictional gaps between member states by providing financial and other assistance to prevent pests from spreading from the state where they are first detected to other states. Being a voting member means we are able to participate fully in the compact and are better able to ensure that Kansas receives the assistance we may need in the future.

SB 219 does not change anything about the state's program, and it does not cause us to incur any additional costs. The bill simply allows Kansas to keep its voting status.

Thank you. I will gladly stand for questions at the appropriate time.