

**Testimony on Repeal Bills  
to  
The Senate Agriculture Committee**

**By the Kansas Department of Agriculture**

**March 14, 2012**

The following are the agency's statements regarding the bills before you today. Tim Tyson, Director, Ag Marketplace Protection Program, will speak on HB 2597 and HB 2626; Dr. Gary Meyer, Pesticide and Fertilizer Program Manager, Kansas Department of Agriculture is available to speak on HB 2604 and HB 2605; and David Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, is here to speak on HB 2649.

**HB 2597** – Repealing KSA 2-1426 and KSA 2011 Supp 2-1424a and 2-1425 concerning agricultural seeds; relating to a seed laboratory, seed testing, seed examination fee fund and publication of reports of inspectors exams

The agency supports repealing these statutes, as the state no longer has a seed lab. Reports of seed inspections and lab testing haven't been published in quite a long time. The Kansas Crop Improvement Association in Manhattan operates a seed testing lab that the state contracts with to do their testing.

**HB 2604** – Repealing KSA 2011 Supp 2-1233 regarding fertilizer and pesticide compliance and administration fund

At the agency's request, the 2002 Legislature modified the fertilizer tonnage fee. The fertilizer tonnage assessment remained unchanged, but the program's share of the \$1.67 fertilizer tonnage fee was modified such that \$.05 per ton was credited to the newly created Fertilizer and Pesticide Compliance and Administration Fund. The receipts going to the Fertilizer Fee Fund were correspondingly reduced to \$.18 per ton, leaving the \$.23 per ton going to the program unchanged.

At the agency's request, the 2009 Legislature eliminated the Fertilizer and Pesticide Compliance and Administration Fund fertilizer tonnage fee breakout established by the 2002 Legislature and restored the requirement for the program's share to go to the Fertilizer Fee Fund. The fund is carrying a zero balance and serves no function. The agency supports the repeal of this statute.

**HB 2605** – Repeal of KSA 2-2465 regarding the pest control operators fee fund

The Kansas Pest Control Act (K.S.A. 2-2401, *et seq.*) was enacted in the early 1950's. The Pesticide Use Law (K.S.A. 2-2413, *et seq.*) was enacted in 1970. In 1976 Legislature enacted the Kansas Pesticide Law (K.S.A. 2-2438a, *et seq.*) which combined the regulatory and licensing provisions of the Pest Control Act and the Pesticide Use Law. The Kansas Pesticide Law established the Pesticide Use Fee Fund. The requirements of K.S.A. 2-2465 have been fulfilled; therefore, the agency supports repealing this statute.

**HB 2626** – Repeal KSA 83-139 and 83-140 concerning fraudulent practices selling grain, seed, hay or coal; relating to penalties, civil liability and attorney fees

The agency supports the repeal of these statutes. The method of sale of these commodities — grain, seed, hay and coal — has been weight. The Division of Weights and Measures adopts NIST HB 130 and has a method of sale for commodities. The Division of Weights and Measures doesn't believe that these statutes have ever been used.

**HB 2649** – Concerning water

This bill would repeal the following statutes:

**Repeal of K.S.A. 24-105 regarding construction of a dam or levee by a landowner:**

The agency supports repealing this statute, as it is redundant with K.S.A. 82a-301 *et seq.*, *Obstructions in Streams*, and K.S.A. 24-126, *the Levee Law*. K.S.A. 24-105 is not referenced in the current regulations adopted by the Chief Engineer.

**Repeal of K.S.A. 82a-312, 82a-313 and 82a-314, regarding permitting of dams built under the federal agriculture program:**

The agency supports repealing these statutes, as they are redundant with portions of K.S.A. 82a-301 through 82a-304; which cover the permitting of all dams in the state. The statutes to be repealed refer only to dams built under the Agricultural Conservation Program established in 1936 and administered by the Farm Service Agency. Permitting and regulation of these dams is adequately covered within K.S.A. 82a-301 through 82a-304.

**Repeal of K.S.A. 82a-735 regarding Sunflower ammunition plant water rights:**

The agency supports repealing this statute as it is obsolete. This statute authorized the Kansas Water Office to enter into negotiations, agreements and contracts with the federal government regarding water rights, file nos. 37 and 38 when the KWO deemed it necessary for the achievement of policies of the state relative to the water resources of Kansas.

The federal government no longer owns water right described in file numbers 37 and 38. The land and water rights were sold to a private company called Sunflower Redevelopment. Therefore, the statute is obsolete, as the federal government is no longer involved.