

**HOUSE BILL No. 2049**

By Committee on Agriculture and Natural Resources

1-23

1 AN ACT concerning the Kansas department of agriculture; relating to  
2 program fees; increasing certain fees; eliminating sunsets on various  
3 program fees; exempting certain dairies from fees; amending K.S.A.  
4 2012 Supp. 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-3304, 2-3306, 65-  
5 778, 65-781, 82a-708a, 82a-708b, 82a-708c, 82a-714, 82a-727, 83-302  
6 and 83-402 and repealing the existing sections.

7  
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2012 Supp. 2-2440 is hereby amended to read as  
10 follows: 2-2440. (a) Subject to the provisions of subsection (d), it is  
11 unlawful for any pesticide business which has not been issued a pesticide  
12 business license to:

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

16 (2) perform any service for the control of a pest or apply any  
17 pesticide on or at the premises of another person under any commission,  
18 division of receipts or subcontracting arrangement with a licensed  
19 pesticide business.

20 Nothing in this subsection shall be construed to require the licensing of  
21 any person applying restricted use pesticides to the property of another as  
22 a certified private applicator or under the supervision of a certified private  
23 applicator.

24 (b) Application for a pesticide business license or renewal shall be  
25 made on a form obtained from the secretary and shall be accompanied by  
26 an application fee per category in which the licensee applies, and an  
27 additional fee for each uncertified individual employed by the applicant to  
28 apply pesticides. The application fee per category shall be \$140 per  
29 category in which the licensee applies, ~~except that on and after July 1,~~  
30 ~~2015, the application fee per category shall be \$112 per category in which~~  
31 ~~the licensee applies, except that on and after July 1, 2019 2015, the~~  
32 **application fee per category shall be \$112 per category in which the**  
33 **licensee applies.** An additional fee of \$15 shall be paid for each  
34 uncertified individual employed by the applicant to apply pesticides.

1 except that on and after July 1, 2015, an additional fee of \$10 shall be paid  
2 for each uncertified individual employed by the applicant to apply  
3 pesticides, ~~except that on and after July 1, 2019~~ **2015**, an additional fee  
4 **of \$10 shall be paid for each uncertified individual employed by the**  
5 **applicant to apply pesticides.** The application fee per category and the  
6 additional fee for each uncertified employee in effect on the day preceding  
7 the effective date of this act shall continue in effect until the secretary  
8 adopts rules and regulations fixing a different fee under this subsection.  
9 Any uncertified individual employed for a period of more than 10 days in  
10 a 30-day period or for five consecutive days by a licensee to apply  
11 pesticides subsequent to such application shall be reported to the secretary  
12 within 30 days of such employee's hiring and the fee shall be paid at that  
13 time. Each application shall also include the following:

14 (1) The business name of the person applying for such license or  
15 renewal;

16 (2) if the applicant is an individual, receiver, trustee, representative,  
17 agent, firm, partnership, association, corporation or other organized group  
18 of persons, whether or not incorporated, the full name of each owner of the  
19 firm or partnership or the names of the officers of the association,  
20 corporation or group;

21 (3) the principal business address of the applicant in the state and  
22 elsewhere; and

23 (4) any other information the secretary, by rules and regulations,  
24 deems necessary for the administration of this act.

25 (c) The secretary may issue a pesticide business license to apply  
26 pesticides in categories for which an applicant has applied if the applicant  
27 ~~files the bond, insurance, letter of credit or proof of an escrow account~~ *a*  
28 *certificate of liability insurance* as required under K.S.A. 2-2448, and  
29 amendments thereto, satisfies the requirements of subsection (b), and pays  
30 the required fees. Such license shall expire at the end of the calendar year  
31 for which it is issued unless it has been revoked or suspended prior thereto.  
32 If a license is not issued as applied for, the secretary shall inform the  
33 applicant in writing of the reasons therefor.

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

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

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

40 (3) any person or such person's employee who applies pesticides on  
41 or at premises owned, leased or operated by such person.

42 (e) Subject to the provisions of subsection (d), it is unlawful for any  
43 governmental agency which has not been issued a government agency

1 registration to apply pesticides within this state. Application for  
2 government agency registration shall be made on a form obtained from the  
3 secretary and shall be accompanied by a fee fixed by rules and regulations  
4 adopted by the secretary, except that such fee shall not exceed \$50, ~~except~~  
5 ~~that on and after July 1, 2015, such fee shall not exceed \$35, except that~~  
6 **on and after July 1, 2019 2015, such fee shall not exceed \$35.** The  
7 governmental agency registration fee in effect on the day preceding the  
8 effective date of this act shall continue in effect until the secretary adopts  
9 rules and regulations fixing a different fee therefor under this subsection.  
10 No fee shall be required of any township located within a county which  
11 has previously applied for and received government agency registration.  
12 Each application for registration shall contain information including, but  
13 not limited to:

14 (1) The name of the government agency;  
15 (2) the mailing address of the applicant;  
16 (3) the name and mailing address of the person who heads such  
17 agency and who is authorized to receive correspondence and legal papers.  
18 Such person shall be: (A) The mayor or city manager for municipalities;  
19 (B) the chairperson of the board of county commissioners for counties; (C)  
20 the township trustee for townships; or (D) any person designated by any  
21 other governmental agency; and

22 (4) any other information the secretary, by rules and regulations,  
23 deems necessary for the administration of this act.

24 (f) If the secretary finds the application to be sufficient, the secretary  
25 shall issue a government agency registration. The government agency is  
26 not required to furnish a surety bond under this act. Such government  
27 agency registration shall expire at the end of the calendar year for which it  
28 is issued unless it has been revoked or suspended prior thereto. If a  
29 registration is not issued as applied for, the secretary shall inform the  
30 applicant in writing of the reasons therefor.

31 (g) A pesticide business license or government agency registration  
32 may be renewed by meeting the same requirements as for a new license or  
33 registration. Neither the pesticide business license nor the government  
34 agency registration shall be transferable, except that, in the event of the  
35 disability, incapacity or death of the owner, manager or legal agent of a  
36 pesticide business licensee, a permit may be issued by the secretary to  
37 permit the operation of such business until the expiration period of the  
38 license in effect at the time of such disability, incapacity or death if the  
39 applicant therefor can show that the policies and services of such business  
40 will continue substantially as before, with due regard to protection of the  
41 public and the environment.

42 (h) No pesticide business license may be issued to any person until  
43 such person is or has in such person's employ one or more individuals who

1 are certified commercial applicators in each of the categories for which the  
2 license application is made.

3 Sec. 2. K.S.A. 2012 Supp. 2-2440b is hereby amended to read as  
4 follows: 2-2440b. (a) It shall be unlawful for any pesticide business  
5 licensee to apply pesticides for the control of wood destroying pests,  
6 structural pests, ornamental pests, turf pests or interior landscape pests  
7 unless the applicator of the pesticide is a certified commercial applicator or  
8 is a registered pest control technician, except that an uncertified  
9 commercial applicator may apply pesticides when either a certified  
10 applicator or registered pest control technician is physically present.

11 (b) Any such employee applying for a pest control technician  
12 registration shall file an application on a form prescribed by the secretary.  
13 Application for such registration shall be accompanied by an application  
14 fee established by rules and regulations adopted by the secretary, except  
15 that such fee shall not exceed \$40, ~~except that on and after July 1, 2015,~~  
16 ~~such fee shall not exceed \$25,~~ **except that on and after July 1, 2019**  
17 **2015, such fee shall not exceed \$25**, and shall be reduced, but not below  
18 zero, by an amount equal to the additional fee paid under subsection (b) of  
19 K.S.A. 2-2440, and amendments thereto, for such uncertified individual.

20 (c) If the secretary finds the applicant qualified to be a registered pest  
21 control technician after meeting the training requirements determined by  
22 the secretary in rules and regulations, the secretary shall issue a pest  
23 control technician registration which will expire at the end of the calendar  
24 year.

25 (d) This section shall be part of and supplemental to the Kansas  
26 pesticide law.

27 Sec. 3. K.S.A. 2012 Supp. 2-2443a is hereby amended to read as  
28 follows: 2-2443a. An applicant for a commercial applicator's certificate  
29 shall show upon written examination that the applicant possesses adequate  
30 knowledge concerning the proper use and application of pesticides in the  
31 categories or subcategories for which the applicant has applied. A  
32 commercial applicator who holds a current certificate to apply pesticides  
33 commercially in any other state or political subdivision of the United  
34 States may be exempted from examination for certification in this state  
35 upon approval of the secretary and payment of a \$75 fee per category,  
36 unless a fee not to exceed \$75 is established in rules and regulations  
37 adopted by the secretary.

38 Applicants shall submit with each application a fee per examination  
39 taken, including each category, subcategory and general core examination.  
40 The examination fee shall be fixed by rules and regulations adopted by the  
41 secretary, except that such fee shall not exceed \$45 per examination,  
42 ~~except that on and after July 1, 2015, such fee shall not exceed \$35 per~~  
43 ~~examination,~~ **except that on and after July 1, 2019 2015, such fee shall**

1 **not exceed \$35 per examination.** Applicants who fail to pass the  
2 examination may reapply and take another examination upon paying  
3 another examination fee, which fee shall be fixed by rules and regulations  
4 adopted by the secretary, except that such fee shall not exceed \$45 per  
5 examination, ~~except that on and after July 1, 2015, such fee shall not~~  
6 ~~exceed \$35 per examination, except that on and after July 1, 2015,~~ **such fee shall not exceed \$35 per examination.** The general core  
7 **such fee shall not exceed \$35 per examination.** The general core  
8 examination shall include, but is not limited to, the following:

9 (a) The proper use of the equipment.

10 (b) The hazards that may be involved in applying the pesticides,  
11 including:

12 (1) The effect of drift of the pesticides on adjacent and nearby lands  
13 and other non-target organisms;

14 (2) the proper meteorological conditions for the application of  
15 pesticides and the precautions to be taken with such application;

16 (3) the effect of the pesticides on plants or animals in the area,  
17 including the possibility of damage to plants or animals or the possibility  
18 of illegal pesticide residues resulting on them;

19 (4) the effect of the application of pesticides to wildlife in the area,  
20 including aquatic life;

21 (5) the identity and classification of pesticides used and the effects of  
22 their application in particular circumstances; and

23 (6) the likelihood of contamination of water or injury to persons,  
24 plants, livestock, pollinating insects and vegetation.

25 (c) Calculating the concentration of pesticides to be used.

26 (d) Identification of common pests to be controlled and damages  
27 caused by such pests.

28 (e) Protective clothing and respiratory equipment for handling and  
29 application of pesticides.

30 (f) General precautions to be followed in the disposal of containers as  
31 well as the cleaning and decontamination of the equipment which the  
32 applicant proposes to use.

33 (g) Applicable state and federal pesticide laws and regulations.

34 (h) Any other subject which the secretary deems necessary.

35 Sec. 4. K.S.A. 2012 Supp. 2-2445a is hereby amended to read as  
36 follows: 2-2445a. In lieu of obtaining a commercial applicator's certificate  
37 under the provisions of K.S.A. 2-2441a, and amendments thereto, a private  
38 applicator's certificate may be applied for by and issued to individuals  
39 using restricted use pesticides for the purpose of producing any  
40 agricultural commodity on property owned or rented by the individual or  
41 such individual's employer, or on the property of another for no  
42 compensation other than the trading of personal services between  
43 producers. Such certificates shall expire on the anniversary of the

1 individual's date of birth occurring in the fifth calendar year following the  
2 year of issue. No certification shall be required hereunder for individuals  
3 operating under the supervision of a certified private applicator.

4 Certified private applicator certificates may be issued to individuals  
5 who have paid: (a) A fee fixed by rules and regulations adopted by the  
6 secretary, ~~except that on and after July 1, 2015,~~ **that on and after July 1,**  
7 **2019 2015**, such fee shall not exceed ~~\$10~~ \$25; and (b) who have acquired  
8 practical knowledge of pest problems, proper storage, use, handling and  
9 disposal of pesticides and pesticide containers, pertinent information found  
10 on the pesticide labels, pesticide use safety and environmental  
11 considerations, either through Kansas state university extension service  
12 educational training or through individual study of educational materials  
13 available at county extension offices or the secretary. The certified private  
14 applicator certificate fee in effect on the day preceding the effective date of  
15 this act shall continue in effect until the secretary adopts rules and  
16 regulations fixing a different fee therefor under this section. Individuals  
17 shall indicate adequate knowledge of the subjects enumerated herein by  
18 passing an open-book examination approved by the secretary.

19 Educational materials and examination blanks shall be made available  
20 at county extension offices and at places where extension educational  
21 training is conducted. The examinations shall be scored by members of the  
22 extension or secretary's staff. If an individual passes the examination by  
23 equaling or exceeding a standard authorized by the secretary, a certified  
24 private applicator's certificate shall be issued to such individual. Such staff  
25 member shall send a copy of the certificate issued, together with the fee, to  
26 the secretary.

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

32 Sec. 5. K.S.A. 2012 Supp. 2-3304 is hereby amended to read as  
33 follows: 2-3304. (a) Any user of the chemigation process shall register and  
34 obtain a chemigation user's permit before using the process.

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

- 38 (1) The name of the persons to whom a permit is to be issued,  
39 including an owner or operator of land on which chemigation is to be used;
- 40 (2) a plan for using anti-pollution devices;
- 41 (3) a plan for handling tail water or accumulations of water;
- 42 (4) the number and locations, including a legal description, of  
43 wellheads which may be involved in the chemigation process and surface

1 water supply withdrawal points, not to include siphon tubes; and

2 (5) payment of fees.

3 (c) The application fee for a chemigation user's permit shall be \$75  
4 plus \$15 for each additional point of diversion, ~~except that on and after~~  
5 ~~July 1, 2015, a chemigation user's permit shall be \$55 plus \$10 for each~~  
6 ~~additional point of diversion, except that on and after July 1, 2019 2015,~~  
7 **a chemigation user's permit shall be \$55 plus \$10 for each additional**  
8 **point of diversion.** A chemigation user's permit may be renewed each year  
9 upon making an application, payment of the application fee and  
10 completing the report form providing information used in chemigation the  
11 previous year.

12 Sec. 6. K.S.A. 2012 Supp. 2-3306 is hereby amended to read as  
13 follows: 2-3306. (a) Any individual operating chemigation equipment  
14 under a chemigation user permit shall be responsible for the safe operation  
15 of such chemigation equipment and any such equipment shall be  
16 considered to be under the direct supervision of the chemigation user  
17 permit holder.

18 (b) The secretary shall not issue a chemigation user permit to any  
19 person unless such person is a certified chemigation equipment operator or  
20 has in such person's employment at least one certified chemigation  
21 equipment operator. A chemigation equipment operator is an individual  
22 who has successfully completed an examination given by the secretary or  
23 the secretary's designee. Except as provided in subsection (c), if the  
24 chemigation user permit is issued to an individual, that individual must  
25 have successfully completed the chemigation equipment operator  
26 examination. Such examination shall include, but not be limited to, the  
27 following:

28 (1) The proper use of anti-pollution devices;

29 (2) preparing the chemical solution and filling the chemical supply  
30 container;

31 (3) calibrating of injection equipment;

32 (4) supervision of chemigation equipment to assure its safe operation;

33 (5) environmental and human hazards that may be involved in  
34 chemigation;

35 (6) protective clothing and respiratory equipment;

36 (7) general precautions to be followed in disposal of containers and  
37 decontamination of the equipment;

38 (8) handling of tail water and other accumulations of water containing  
39 chemicals;

40 (9) information of procedures to be followed should chemicals  
41 inadvertently enter the water supply source as a result of the chemigation  
42 process;

43 (10) label information, especially chemigation instructions;

1 (11) applicable state and federal laws and regulations; and

2 (12) any other subject which the secretary deems necessary.

3 (c) The examination provided for in subsection (b) may be waived for  
4 any individual who has been certified as a pesticide applicator in the  
5 category of chemigation pursuant to the Kansas pesticide law.

6 (d) The chemigation equipment operator certification shall expire on  
7 December 31 of the fourth calendar year after the year of issue. A  
8 chemigation equipment operator certification shall be renewed for a  
9 succeeding five year period upon payment of the certification fee and  
10 passing the examination specified in either subsection (b) or (c).

11 (e) The fee for certification as a chemigation equipment operator or  
12 for renewal of such certification shall be \$25, ~~except that on and after July~~  
13 ~~1, 2015, such certification shall be \$10, except that on and after July 1,~~  
14 **2019 2015, such certification shall be \$10.**

15 Sec. 7. K.S.A. 2012 Supp. 65-778 is hereby amended to read as  
16 follows: 65-778. (a) Any person who engages in business as a dairy  
17 manufacturing plant shall first apply for and obtain a dairy manufacturing  
18 plant license from the secretary and shall pay a license fee of ~~\$120, or~~  
19 ~~commencing July 1, 2002, and ending June 30, 2015, a license fee of~~  
20 **\$120, or commencing July 1, 2002, and ending July 1, 2019 2015, a**  
21 **license fee of \$200.**

22 (b) Any person who engages in business as a distributor of milk, milk  
23 products or dairy products shall first apply for and obtain a milk distributor  
24 license from the secretary and shall pay a license fee of ~~\$120, or~~  
25 ~~commencing July 1, 2002, and ending June 30, 2015, a license fee of~~  
26 **\$120, or commencing July 1, 2002, and ending July 1, 2019 2015, a**  
27 **license fee of \$200.** No milk distributor license shall be required for a  
28 licensed dairy manufacturing plant which distributes only those products  
29 which it manufactures.

30 (c) Any person who engages in business as a milk hauler shall first  
31 apply for and obtain a milk hauler license from the secretary and shall pay  
32 a license fee of ~~\$25 or commencing July 1, 2002, and ending June 30,~~  
33 ~~2015, a license fee of~~ **\$25 or commencing July 1, 2002, and ending July**  
34 **1, 2019 2015, a license fee of \$35.** As part of the application, the secretary  
35 may require the applicant to be tested regarding proper procedures for  
36 sampling, testing and weighing milk or cream and state laws and rules and  
37 regulations.

38 (d) Any person who operates a milk or cream transfer station or milk  
39 or cream receiving station shall first apply for and obtain a milk or cream  
40 station license from the secretary and shall pay a license fee of ~~\$50, or~~  
41 ~~commencing July 1, 2002, and ending June 30, 2015, a license fee of~~ **\$50,**  
42 **or commencing July 1, 2002, and ending July 1, 2019 2015, a license**  
43 **fee of \$100.**



1 (e) Any person who engages in business as a manufacturer of single  
2 service dairy containers or manufacturer of single service dairy container  
3 closures shall first apply for and obtain a single service manufacturing  
4 license from the secretary and shall pay a license fee of ~~of \$50, or~~  
5 ~~commencing July 1, 2002, and ending June 30, 2015, a license fee of \$50,~~  
6 **or commencing July 1, 2002, and ending July 1, 2019 2015, a license**  
7 **fee of \$100.**

8 (f) Any person who operates a milk tank truck cleaning facility shall  
9 first apply for and obtain a milk tank truck cleaning facility license from  
10 the secretary and shall pay a license fee of \$100.

11 (g) Any license issued under this section shall be renewed annually.

12 (h) The dairy manufacturing plant license, milk distributor license,  
13 milk tank truck cleaning facility license, milk or cream station license and  
14 single service manufacturing license shall expire on December 31 of the  
15 year for which it was issued unless suspended or revoked by the secretary  
16 pursuant to this act. The milk hauler license shall expire on June 30  
17 following the date of issuance unless suspended or revoked by the  
18 secretary pursuant to this act.

19 (i) No license issued under this section shall be transferable. No  
20 license shall be renewed if any assessments or fees required under this act  
21 are delinquent.

22 (j) Each applicant for a license or for the renewal of such license shall  
23 submit an application on a form supplied by the secretary accompanied by  
24 the license fee. All licenses shall be conspicuously displayed in the  
25 applicant's place of business.

26 (k) The secretary is authorized and directed to reduce any license fee  
27 in subsections (a) through (f) whenever the secretary determines that such  
28 fee is yielding more than is necessary for administering the provisions of  
29 this act. The secretary is authorized to increase any license fee in  
30 subsections (a) through (f), when such license fee is necessary to produce  
31 sufficient revenues for administering the provisions of this act. License  
32 fees in subsections (a) through (f) shall not be increased in excess of the  
33 amounts provided in this section.

34 Sec. 8. K.S.A. 2012 Supp. 65-781 is hereby amended to read as  
35 follows: 65-781. The following fees for the statewide system of milk  
36 inspection and regulatory services are hereby established:

37 (a) A fee of ~~of \$.01, or commencing July 1, 2002, and ending June 30,~~  
38 ~~2015, a fee of \$.01, or commencing July 1, 2002, and ending July 1,~~  
39 **2019 2015, a fee of \$.015** for each 100 pounds of milk produced by milk  
40 producers under Kansas grade A inspection shall be paid. Each producer is  
41 hereby charged with such fee which shall be paid to the milk producers'  
42 cooperative, milk processor or milk distributor to whom the milk is sold or  
43 delivered. Each cooperative, processor or distributor is hereby charged

1 with the duty of collecting such fees which shall be remitted to the  
2 secretary.

3 (b) A fee of ~~\$.01, or commencing July 1, 2002, and ending June 30,~~  
4 ~~2015, a fee of \$0.01, or commencing July 1, 2002, and ending July 1,~~  
5 ~~2019~~ **2015, a fee of \$0.02** for each 100 pounds of packaged grade A  
6 pasteurized milk or milk products sold in Kansas at retail to the final  
7 consumer shall be paid. Each distributor is hereby charged with such fee  
8 which shall be remitted to the secretary.

9 (c) A fee of ~~\$.01, or commencing July 1, 2002, and ending June 30,~~  
10 ~~2015, a fee of \$0.01, or commencing July 1, 2002, and ending July 1,~~  
11 ~~2019~~ **2015, a fee of \$0.02** per 100 pounds or fraction thereof of grade A raw  
12 milk for pasteurization delivered to a milk processor within the state of  
13 Kansas which is processed into grade A milk or grade A milk products  
14 shall be paid. Each milk processor is hereby charged with such fee which  
15 shall be remitted to the secretary. *This fee shall not be paid if the milk is*  
16 *processed or manufactured at the dairy where such milk is produced.*

17 (d) A milk fee of ~~\$.01, or commencing July 1, 2002, and ending June~~  
18 ~~30, 2015, a fee of \$0.01, or commencing July 1, 2002, and ending July 1,~~  
19 ~~2019~~ **2015, a fee of \$0.015** per 100 pounds of milk or cream for  
20 manufacturing purposes produced by milk producers under Kansas  
21 manufacturing grade milk inspection shall be paid. Each producer is  
22 hereby charged with such fee which shall be paid to the milk producers'  
23 cooperative, dairy manufacturing plant or any other person to whom the  
24 milk or cream for manufacturing purposes is sold or delivered. Each  
25 cooperative, dairy manufacturing plant or other person is hereby charged  
26 with the duty of collecting such fees which shall be remitted to the  
27 secretary.

28 (e) A fee of ~~\$.0075, or commencing July 1, 2002, and ending June 30,~~  
29 ~~2015, a fee of \$0.0075, or commencing July 1, 2002, and ending July 1,~~  
30 ~~2019~~ **2015, a fee of \$0.02** per 100 pounds of Kansas produced milk or  
31 cream for manufacturing purposes or other Kansas produced milk  
32 delivered to a dairy manufacturing plant shall be paid on all Kansas milk  
33 used in the manufacturing of dairy products. As used in this subsection, the  
34 term dairy products shall not include any frozen dairy dessert or frozen  
35 dairy dessert mix. Each dairy manufacturing plant shall pay such fee  
36 which shall be remitted to the secretary. *This fee shall not be paid if the*  
37 *milk is processed or manufactured at the dairy where such milk is*  
38 *produced.*

39 (f) In lieu of the fee prescribed in subsection (e), a fee of ~~\$1, or~~  
40 ~~commencing July 1, 2002, and ending June 30, 2015, a fee of \$1, or~~  
41 **commencing July 1, 2002, and ending July 1, 2019** **2015, a fee of \$2** per  
42 thousand gallons of frozen dairy dessert or frozen dairy dessert mix shall  
43 be paid by the manufacturer thereof. Each manufacturer of frozen dairy

1 dessert or frozen dairy dessert mix is hereby charged with such fee which  
2 shall be remitted to the secretary. Frozen dairy dessert mix which is further  
3 processed into the corresponding frozen dairy dessert by the manufacturer  
4 of the frozen dairy dessert mix shall not be subject to the fee required by  
5 this subsection.

6 (g) A fee of ~~\$1, or commencing July 1, 2002, and ending June 30,~~  
7 ~~2015, a fee of \$1, or commencing July 1, 2002, and ending July 1, 2019~~  
8 **2015, a fee of \$2** per thousand gallons of frozen dairy dessert or frozen  
9 dairy dessert mix imported for retail sale in Kansas shall be paid by the  
10 milk distributor who imports these products.

11 (h) A fee of \$50 for the annual inspection of a milk tank truck as  
12 required by this act. The milk transportation company that owns or leases  
13 the milk tank truck shall pay such fee which shall be remitted to the  
14 secretary.

15 (i) If any fee computed pursuant to subsection (a) ~~through (e), (c), (d)~~  
16 ~~or (e)~~ is less than \$2.50, then the sum of \$2.50 shall be paid in lieu of the  
17 computed fee. If any fee computed pursuant to subsection (b), (f) or (g) is  
18 less than \$7.50, a minimum fee of \$7.50 shall be paid in lieu of the  
19 computed fee.

20 (j) All fees established herein shall be paid to the secretary in the  
21 following manner:

22 (1) The fees established in subsections (a) and (c) through (e) shall be  
23 remitted on or before the 30<sup>th</sup> day of each month for the calendar month  
24 immediately preceding and shall be accompanied by a report, in the form  
25 prescribed by the secretary, indicating the quantities upon which the  
26 remittance is based.

27 (2) The fees established in subsections (b), (f) and (g) shall be  
28 remitted on April 30, July 31, October 31 and January 31 for the three  
29 calendar months immediately preceding and shall be accompanied by a  
30 report, in the form prescribed by the secretary, indicating the quantities  
31 upon which the remittance is based.

32 (3) The fee established in subsection (h) shall be remitted within 60  
33 days from the date of inspection.

34 (k) Any person who fails to remit all or any part of the required fee or  
35 to submit the required report by the date due may be assessed an additional  
36 charge equal to 1% of the amount of delinquent fees for each day after the  
37 date due, or \$5, whichever amount is greater.

38 (l) The secretary is hereby authorized and directed to reduce any  
39 inspection fee in subsections (a) through (h) whenever the secretary  
40 determines that such fee is yielding more than is necessary for  
41 administering the provisions of this act. The secretary is authorized to  
42 increase any inspection fee in subsections (a) through (h) when such  
43 inspection fee is necessary to produce sufficient revenues for

1 administering the provisions of this act. License fees in subsections (a)  
2 through (h) shall not be increased in excess of the amounts provided in this  
3 section.

4 Sec. 9. K.S.A. 2012 Supp. 82a-708a is hereby amended to read as  
5 follows: 82a-708a. (a) Any person may apply for a permit to appropriate  
6 water to a beneficial use, notwithstanding that the application pertains to  
7 the use of water by another, or upon or in connection with the lands of  
8 another. Any rights to the beneficial use of water perfected under such  
9 application shall attach to the lands on or in connection with which the  
10 water is used and shall remain subject to the control of the owners of the  
11 lands as in other cases provided by law.

12 (b) Except as otherwise provided in subsections (d), (e) and (f), each  
13 application for a permit to appropriate water, except applications for  
14 permits for domestic use, shall be accompanied by an application fee fixed  
15 by this section for the appropriate category of acre feet in accordance with  
16 the following:

17 Acre Feet.....	Fee
18 0 to 100.....	\$200
19 101 to 320.....	\$300
20 More than 320.....	\$300 + \$20
	for each additional 100
	acre feet or any part thereof

21  
22  
23 ~~On and after July 1, 2015, the application fee shall be fixed by this~~  
24 ~~section for the appropriate category of acre feet in accordance with the~~  
25 ~~following:~~

26 Acre Feet.....	Fee
27 0 to 100.....	\$100
28 101 to 320.....	\$150
29 More than 320.....	\$150 + \$10
	for each additional 100
	acre feet or any part thereof

30  
31  
32 **On and after July 1, ~~2019~~ 2015, the application fee shall be fixed by**  
33 **this section for the appropriate category of acre feet in accordance**  
34 **with the following:**

35 Acre Feet.....	Fee
36 0 to 100.....	\$100
37 101 to 320.....	\$150
38 More than 320.....	\$150 + \$10
	for each additional 100
	acre feet or any part thereof

39  
40  
41 The chief engineer shall render a decision on such permit applications  
42 within 150 days of receiving a complete application except when the  
43 application cannot be processed due to the standards established in K.A.R.

1 5-3-4c. Upon failure to render a decision within 180 days of receipt of a  
2 complete application, the application fee is subject to refund upon request.

3 (c) Except as otherwise provided in subsections (d), (e) and (f), each  
4 application for a permit to appropriate water for storage, except  
5 applications for permits for domestic use, shall be accompanied by an  
6 application fee fixed by this section for the appropriate category of  
7 storage-acre feet in accordance with the following:

8	Storage-Acre Feet .....	Fee
9	0 to 250.....	\$200
10	More than 250.....	\$200 + \$20
11		for each additional 250
12		storage-acre feet or any part thereof

13 ~~On and after July 1, 2015, the application fee shall be fixed by this~~  
14 ~~section for the appropriate category of storage-acre feet in accordance with~~  
15 ~~the following:~~

16	Storage-Acre Feet.....	Fee
17	0 to 250.....	\$100
18	More than 250.....	\$100 + \$10
19		for each additional 250
20		storage-acre feet or any part thereof

21 **On and after July 1, 2019 2015, the application fee shall be fixed by**  
22 **this section for the appropriate category of storage-acre feet in**  
23 **accordance with the following:**

24	<b>Storage-Acre Feet.....</b>	<b>Fee</b>
25	<b>0 to 250.....</b>	<b>\$100</b>
26	<b>More than 250.....</b>	<b>\$100 + \$10</b>
27		<b>for each additional 250</b>
28		<b>storage-acre feet or any part thereof</b>

29 The chief engineer shall render a decision on such permit applications  
30 within 150 days of receiving a complete application except when the  
31 application cannot be processed due to the standards established in K.A.R.  
32 5-3-4c. Upon failure to render a decision within 180 days of receipt of a  
33 complete application, the application fee is subject to refund upon request.

34 (d) Each application for a term permit pursuant to K.S.A. 2012 Supp.  
35 82a-736, and amendments thereto, shall be accompanied by an application  
36 fee established by rules and regulations of the chief engineer in an amount  
37 not to exceed \$400 for the five-year period covered by the permit.

38 (e) For any application for a permit to appropriate water, except  
39 applications for permits for domestic use, which proposes to appropriate  
40 by both direct flow and storage, the fee charged shall be the fee under  
41 subsection (b) or subsection (c), whichever is larger, but not both fees.

42 (f) Each application for a permit to appropriate water for water power  
43 or dewatering purposes shall be accompanied by an application fee of

1 \$100 plus \$200 for each 100 cubic feet per second, or part thereof, of the  
 2 diversion rate requested in the application for the proposed project.

3 (g) All fees collected by the chief engineer pursuant to this section  
 4 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and  
 5 amendments thereto.

6 Sec. 10. K.S.A. 2012 Supp. 82a-708b is hereby amended to read as  
 7 follows: 82a-708b. (a) Any owner of a water right may change the place of  
 8 use, the point of diversion or the use made of the water, without losing  
 9 priority of right, provided such owner shall: (1) Apply in writing to the  
 10 chief engineer for approval of any proposed change; (2) demonstrate to the  
 11 chief engineer that any proposed change is reasonable and will not impair  
 12 existing rights; (3) demonstrate to the chief engineer that any proposed  
 13 change relates to the same local source of supply as that to which the water  
 14 right relates; and (4) receive the approval of the chief engineer with  
 15 respect to any proposed change. The chief engineer shall approve or reject  
 16 the application for change in accordance with the provisions and  
 17 procedures prescribed for processing original applications for permission  
 18 to appropriate water. If the chief engineer disapproves the application for  
 19 change, the rights, priorities and duties of the applicant shall remain  
 20 unchanged. Any person aggrieved by an order or decision by the chief  
 21 engineer relating to an application for change may petition for review  
 22 thereof in accordance with the provisions of K.S.A. 2012 Supp. 82a-1901,  
 23 and amendments thereto.

24 (b) Each application to change the place of use, the point of diversion  
 25 or the use made of the water under this section shall be accompanied by  
 26 the application fee set forth in the schedule below:

27 (1) Application to change a point of diversion 300	
28 feet or less	\$100
29 (2) Application to change a point of diversion more	
30 than 300 feet	200
31 (3) Application to change the place of use	200
32 (4) Application to change the use made of water	300

33 ~~On and after July 1, 2015, the application fee shall be set forth in the~~  
 34 ~~schedule below:~~

35 <del>(1) Application to change a point of diversion 300</del>	
36 <del>feet or less</del>	<del>\$50</del>
37 <del>(2) Application to change a point of diversion more</del>	
38 <del>than 300 feet</del>	<del>100</del>
39 <del>(3) Application to change the place of use</del>	<del>100</del>
40 <del>(4) Application to change the use made of the water</del>	<del>150</del>

41 **On and after July 1, 2015, the application fee shall be set forth**  
 42 **in the schedule below:**

43 **(1) Application to change a point of diversion 300**

1	<b>feet or less</b>	<b>\$50</b>
2	<b>(2) Application to change a point of diversion more</b>	
3	<b>than 300 feet</b>	<b>100</b>
4	<b>(3) Application to change the place of use</b>	<b>100</b>
5	<b>(4) Application to change the use made of the water</b>	<b>150</b>

6 The chief engineer shall render a decision on such permit applications  
 7 within 150 days of receiving a complete application except when the  
 8 application cannot be processed due to the standards established in K.A.R.  
 9 5-3-4c. Upon failure to render a decision within 180 days of receipt of a  
 10 complete application, the application fee is subject to refund upon request.

11 (c) All fees collected by the chief engineer pursuant to this section  
 12 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and  
 13 amendments thereto.

14 Sec. 11. K.S.A. 2012 Supp. 82a-708c is hereby amended to read as  
 15 follows: 82a-708c. (a) A term permit is a permit to appropriate water for a  
 16 limited specified period of time in excess of six months. At the end of the  
 17 specified time, or any authorized extension approved by the chief engineer,  
 18 the permit shall be automatically dismissed, and any priority it may have  
 19 had shall be forfeited. No water right shall be perfected pursuant to a term  
 20 permit.

21 (b) Each application for a term permit to appropriate water shall be  
 22 made on a form prescribed by the chief engineer and shall be accompanied  
 23 by an application fee fixed by this section for the appropriate category of  
 24 acre feet in accordance with the following:

26	Acre Feet.....	Fee
27	0 to 100.....	\$200
28	101 to 320.....	\$300
29	More than 320.....	\$300 + \$20
30		for each additional 100
31		acre feet or any part thereof

32 ~~On and after July 1, 2015, the application fee shall be set forth in the~~  
 33 ~~schedule below:~~

34	Acre Feet.....	Fee
35	0 to 100.....	\$100
36	101 to 320.....	\$100
37	More than 320.....	\$150 + \$10
38		for each additional 100
39		acre feet or any part thereof

40 **On and after July 1, ~~2015~~ 2015, the application fee shall be set forth**  
 41 **in the schedule below:**

42	<b>Acre Feet.....</b>	<b>Fee</b>
43	<b>0 to 100.....</b>	<b>\$100</b>

1 **101 to 320.....\$100**  
 2 **More than 320.....\$150 + \$10**  
 3 **for each additional 100**  
 4 **acre feet or any part thereof**

5 The chief engineer shall render a decision on such term permit  
 6 applications within 150 days of receiving a complete application except  
 7 when the application cannot be processed due to the standards established  
 8 in K.A.R. 5-3-4c. Upon failure to render a decision within 180 days of  
 9 receipt of a complete application, the application fee is subject to refund  
 10 upon request.

11 (c) Each application for a term permit to appropriate water for  
 12 storage, except applications for permits for domestic use, shall be  
 13 accompanied by an application fee fixed by this section for the appropriate  
 14 category of storage-acre feet in accordance with the following:  
 15

16 Storage-Acre Feet.....Fee  
 17 0 to 250.....\$200  
 18 More than 250.....\$200 + \$20  
 19 **for each additional 250**  
 20 **acre feet or any part thereof**

21 ~~On and after July 1, 2015, the application fee shall be set forth in the~~  
 22 ~~schedule below:~~

23  
 24 Storage-Acre Feet.....Fee  
 25 0 to 250.....\$100  
 26 More than 250.....\$100 + \$10  
 27 **for each additional 250**  
 28 **acre feet or any part thereof**

29 **On and after July 1, 2015, the application fee shall be set forth**  
 30 **in the schedule below:**

31  
 32 Storage-Acre Feet.....Fee  
 33 0 to 250.....\$100  
 34 More than 250.....\$100 + \$10  
 35 **for each additional 250**  
 36 **acre feet or any part thereof**

37 The chief engineer shall render a decision on such term permit  
 38 applications within 150 days of receiving a complete application except  
 39 when the application cannot be processed due to the standards established  
 40 in K.A.R. 5-3-4c. Upon failure to render a decision within 180 days of  
 41 receipt of a complete application, the application fee is subject to refund  
 42 upon request.

43 (d) Each application for a term permit pursuant to K.S.A. 2012 Supp.



1 82a-736, and amendments thereto, shall be accompanied by an application  
2 fee established by rules and regulations adopted by the chief engineer in an  
3 amount not to exceed \$400 for the five-year period covered by the permit.

4 (e) Notwithstanding the provisions of K.S.A. 82a-714, and  
5 amendments thereto, the applicant is not required to file a notice of  
6 completion of diversion works nor pay a field inspection fee. The chief  
7 engineer shall not conduct a field inspection of the diversion works  
8 required by statute for purposes of certification nor issue a certificate of  
9 appropriation for a term permit.

10 (f) A request to extend the term of a term permit in accordance with  
11 the rules and regulations adopted by the chief engineer shall be  
12 accompanied by the same filing fee applicable to other requests for  
13 extensions of time as set forth in K.S.A. 82a-714, and amendments thereto.

14 (g) An application to change the place of use, point of diversion, use  
15 made of water, or any combination thereof, pursuant to K.S.A. 82a-708b,  
16 and amendments thereto, shall not be approved for a term permit.

17 (h) The chief engineer shall adopt rules and regulations to effectuate  
18 and administer the provisions of this section.

19 Sec. 12. K.S.A. 2012 Supp. 82a-714 is hereby amended to read as  
20 follows: 82a-714. (a) Upon the completion of the construction of the  
21 works and the actual application of water to the proposed beneficial use  
22 within the time allowed, the applicant shall notify the chief engineer to that  
23 effect. The chief engineer or the chief engineer's duly authorized  
24 representative shall then examine and inspect the appropriation diversion  
25 works and, if it is determined that the appropriation diversion works have  
26 been completed and the appropriation right perfected in conformity with  
27 the approved application and plans, the chief engineer shall issue a  
28 certificate of appropriation in duplicate. The original of such certificate  
29 shall be sent to the owner and shall be recorded with the register of deeds  
30 in the county or counties wherein the point of diversion is located, as are  
31 other instruments affecting real estate, and the duplicate shall be made a  
32 matter of record in the office of the chief engineer.

33 (b) Not later than 60 days before the expiration of the time allowed in  
34 the permit to complete the construction of the appropriation diversion  
35 works or the time allowed in the permit to actually apply water to the  
36 proposed beneficial use, the chief engineer shall notify the permit holder  
37 by certified mail that any request for extension of such time must be filed  
38 with the chief engineer before the expiration of the time allowed in the  
39 permit.

40 (c) Unless the applicant requests an extension or the certificate has  
41 not been issued due to the applicant's failure to comply with reasonable  
42 requests for information or to allow the opportunity to examine and inspect  
43 the appropriation diversion works, as necessary for certification, the chief

1 engineer shall certify an appropriation:

2 (1) Before July 1, 2004, if the time allowed in the permit to perfect  
3 the water right expired before July 1, 1999, except in those cases in which  
4 abandonment proceedings pursuant to K.S.A. 82a-718, and amendments  
5 thereto, are pending on July 1, 2004;

6 (2) before July 1, 2006, in such cases in which an abandonment  
7 proceeding was pending pursuant to K.S.A. 82a-718, and amendments  
8 thereto, on July 1, 2004; or

9 (3) not later than five years after the date the applicant notifies the  
10 chief engineer of the completion of construction of the works and the  
11 actual application of water to the proposed beneficial use within the time  
12 allowed, in all other cases.

13 If the chief engineer fails to issue a certificate within the time provided  
14 by this subsection, the applicant may request review, pursuant to K.S.A.  
15 2012 Supp. 82a-1901, and amendments thereto, of the chief engineer's  
16 failure to act.

17 (d) Except for works constructed to appropriate water for domestic  
18 use, each notification to the chief engineer under subsection (a) shall be  
19 accompanied by a field inspection fee of \$400, ~~or on and after July 1,~~  
20 ~~2015, a fee of \$200, or on and after July 1, 2019 2015, a fee of \$200,~~  
21 except that for applications filed on or after July 1, 2009, for works  
22 constructed for sediment control use and for evaporation from a  
23 groundwater pit for industrial use shall be accompanied by a field  
24 inspection fee of \$200. Failure to pay the field inspection fee, after  
25 reasonable notice by the chief engineer of such failure, shall result in the  
26 permit to appropriate water being revoked, forfeiture of the priority date  
27 and revocation of any appropriation right that may exist.

28 (e) A request for an extension of time to: (1) Complete the diversion  
29 works; or (2) perfect the water right, shall be accompanied by a fee of ~~\$50,~~  
30 ~~or commencing July 1, 2002, and ending June 30, 2015, a fee of \$50, or~~  
31 **commencing July 1, 2002, and ending July 1, 2019 2015, a fee of \$100.**

32 (f) A request to reinstate a water right or a permit to appropriate water  
33 which has been dismissed shall be filed with the chief engineer within 60  
34 days of the date dismissed and shall be accompanied by a fee of ~~\$100, or~~  
35 ~~commencing July 1, 2002, and ending June 30, 2015, a fee of \$100, or~~  
36 **commencing July 1, 2002, and ending July 1, 2019 2015, a fee of \$200.**

37 (g) All fees collected by the chief engineer pursuant to this section  
38 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and  
39 amendments thereto.

40 Sec. 13. K.S.A. 2012 Supp. 82a-727 is hereby amended to read as  
41 follows: 82a-727. (a) Subject to existing water rights and the principle of  
42 beneficial use, the chief engineer may grant upon application made  
43 therefor temporary permits and extensions thereof to appropriate water in

1 any case where the public interest in such water will not be unreasonably  
2 or prejudicially affected, except that the chief engineer shall not grant any  
3 such permit to appropriate fresh water in any case where other waters are  
4 available for the proposed use and the use thereof is technologically and  
5 economically feasible. No such temporary permit or any extension thereof  
6 shall be granted for a period of time in excess of six months. Each  
7 application submitted for a temporary permit or extension thereof shall be  
8 accompanied by an application fee of \$200, ~~or on and after July 1, 2015, a~~  
9 ~~fee of \$100, or on and after July 1, 2019~~ **2015, a fee of \$100.**

10 (b) The chief engineer shall adopt rules and regulations to effectuate  
11 and administer the provisions of this section.

12 (c) Nothing in this section shall be deemed to vest in the holder of  
13 any permit granted pursuant to provisions of this section any permanent  
14 right to appropriate water except as is provided by such permit.

15 (d) All fees collected by the chief engineer pursuant to this section  
16 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and  
17 amendments thereto.

18 Sec. 14. K.S.A. 2012 Supp. 83-302 is hereby amended to read as  
19 follows: 83-302. (a) Each person, other than an authorized representative  
20 of the secretary or an authorized representative of a city or county  
21 department of public inspection of weights and measures established  
22 pursuant to K.S.A. 83-210, and amendments thereto, desiring to operate  
23 and perform testing and other services as a company in Kansas shall apply  
24 to the secretary for a service company license, on a form to be supplied by  
25 the secretary, and shall obtain such license from the secretary before  
26 operating and performing testing or other services as a service company.  
27 Each service company shall obtain a license for each place of business  
28 maintained in Kansas and shall pay a license application fee of ~~\$50, or~~  
29 ~~commencing July 1, 2002, and ending June 30, 2010, a fee of \$50, or~~  
30 **commencing July 1, 2002, and ending July 1, 2015, a fee of \$100** and  
31 thereafter an annual license renewal application fee of ~~\$50, or~~  
32 ~~commencing July 1, 2002, and ending June 30, 2010, a fee of \$50, or~~  
33 **commencing July 1, 2002, and ending July 1, 2015, a fee of \$100** for  
34 each place of business. Each service company license shall expire on June  
35 30 following issuance, shall be void unless renewed prior to the expiration  
36 and shall not be transferable.

37 (b) If any service company maintains any out-of-state places of  
38 business which the company operates in serving Kansas patrons, the  
39 service company seeking to obtain or renew a license under this section  
40 shall list in the application such places of business and the firm names  
41 under which the company operates at each such place of business. If any  
42 out-of-state place of business is established by a service company after  
43 being licensed under this section, the licensee shall supply such

1 information to the secretary before any work is performed in Kansas from  
2 such out-of-state location. Each nonresident service company shall  
3 designate a resident agent upon whom service of notice or process may be  
4 made to enforce the provisions of chapter 83 of the Kansas Statutes  
5 Annotated, and amendments thereto, or any liabilities arising from  
6 operations thereunder. Each nonresident service company which maintains  
7 no established place of business in Kansas shall obtain a license under this  
8 section for each out-of-state place of business and shall list on the  
9 application the firm name or names for each place of business from which  
10 the service company intends to operate.

11 (c) Each technical representative shall be licensed annually by the  
12 secretary. Each technical representative shall be required to attend  
13 continuing education seminars on an annual basis as required by rules and  
14 regulations adopted by the secretary and to pass a reasonable examination  
15 prescribed by the secretary each year prior to being licensed. The Kansas  
16 department of agriculture shall be authorized to charge a fee to the  
17 attendees of the continuing education seminars sponsored by the agency.  
18 The amount charged shall be no more than is necessary to cover the  
19 expenses incurred in providing the seminar. Each technical representative's  
20 license shall expire on June 30 following the issuance of the license and  
21 shall be void unless renewed prior to the expiration.

22 (d) No service company license may be issued or renewed under this  
23 section until the applicant's weights or measures, or both have been tested  
24 for accuracy and sealed by the secretary. The secretary is authorized to  
25 accept a certification of the accuracy of the applicant's weights or  
26 measures issued by the national institute of standards and technology or by  
27 a weights and measures laboratory certified by the national institute of  
28 standards and technology in lieu of a test by the secretary, if such  
29 certificate shows that the weights or measures have been tested within the  
30 last 365 days preceding the license application.

31 (e) The secretary shall remit all moneys received under this section to  
32 the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
33 and amendments thereto. Upon receipt of each such remittance, the state  
34 treasurer shall deposit the entire amount in the state treasury to the credit  
35 of the weights and measures fee fund.

36 Sec. 15. K.S.A. 2012 Supp. 83-402 is hereby amended to read as  
37 follows: 83-402. (a) Each person, other than an authorized representative  
38 of the secretary or an authorized representative of a city or county  
39 department of public inspection of weights and measures established  
40 pursuant to K.S.A. 83-210, and amendments thereto, desiring to operate  
41 and perform testing and other services as a service company in Kansas  
42 shall apply to the secretary for a service company license, on a form to be  
43 supplied by the secretary, and shall obtain such license from the secretary

1 before operating and performing testing or other services as a service  
2 company. Each service company shall obtain a license for each place of  
3 business maintained in Kansas and shall pay a license application fee of  
4 ~~\$50, or commencing July 1, 2002, and ending June 30, 2010, a fee of \$50,~~  
5 **or commencing July 1, 2002, and ending July 1, 2015, a fee of \$100** and  
6 thereafter an annual license renewal application fee of ~~\$50, or~~  
7 ~~commencing July 1, 2002, and ending June 30, 2010, a fee of \$50, or~~  
8 **commencing July 1, 2002, and ending July 1, 2015, a fee of \$100** for  
9 each place of business. Each service company license shall expire on June  
10 30 following issuance, shall be void unless renewed prior to the expiration  
11 and shall not be transferable.

12 (b) If any service company maintains any out-of-state places of  
13 business which the service company operates in serving Kansas patrons,  
14 the applicant seeking to obtain or renew a license under this section shall  
15 list in the application such places of business and the firm names under  
16 which the service company operates at each such place of business. If any  
17 out-of-state place of business is established by a service company after  
18 being licensed under this section, the licensee shall supply such  
19 information to the secretary before any work is performed in Kansas from  
20 such out-of-state location. Each nonresident service company shall  
21 designate a resident agent upon whom service of notice or process may be  
22 made to enforce the provisions of chapter 83 of the Kansas Statutes  
23 Annotated, and amendments thereto, or any liabilities arising from  
24 operations thereunder. Each nonresident service company which maintains  
25 no established place of business in Kansas shall obtain a license under this  
26 section for each out-of-state place of business and shall list on the  
27 application the firm name or names for each place of business from which  
28 the service company intends to operate.

29 (c) Each technical representative shall be licensed annually by the  
30 secretary. Each technical representative shall be required to attend  
31 continuing education seminars on an annual basis as required by rules and  
32 regulations adopted by the secretary and to pass a reasonable examination  
33 prescribed by the secretary each year prior to being licensed. The Kansas  
34 department of agriculture shall be authorized to charge a fee to the  
35 attendees of the seminar sponsored by the department. The amount  
36 charged shall be no more than is necessary to cover the expenses incurred  
37 in providing the seminar. All technical representatives who install, repair,  
38 adjust or calibrate a device and certify such devices shall be required to  
39 pass the state examination annually. Each technical representative license  
40 shall expire on June 30 following issuance of the license and shall be void  
41 unless renewed prior to the expiration.

42 (d) No service company license may be issued or renewed under this  
43 section until the applicant's weights and measures have been tested for

1 accuracy and sealed by the secretary. The secretary is authorized to accept  
2 a certification of the accuracy of the applicant's weights or measures issued  
3 by the national institute of standards and technology, by a weights and  
4 measures laboratory certified by the national institute of standards and  
5 technology, or by the appropriate certifying agency of another state in lieu  
6 of a test by the secretary, if such certificate shows that the weights or  
7 measures have been tested within the 12 calendar months next preceding  
8 the license application.

9 (e) The secretary shall remit all moneys received under this section to  
10 the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
11 and 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 weights and measures fee fund.

14 Sec. 16. K.S.A. 2012 Supp. 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-  
15 3304, 2-3306, 65-778, 65-781, 82a-708a, 82a-708b, 82a-708c, 82a-714,  
16 82a-727, 83-302 and 83-402 are hereby repealed.

17 Sec. 17. This act shall take effect and be in force from and after its  
18 publication in the statute book.