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**Testimony on HB 2359**  
**to**  
**The House Agriculture and Natural Resources Committee**  
**By Erik Wisner**  
**Kansas Department of Agriculture**  
**February 20, 2013**

Good morning, Chairwoman Schwartz and members of the committee. I am Erik Wisner, with the Kansas Department of Agriculture, and I am here to express KDA's support of House Bill 2359.

KDA is responsible for licensing and inspecting all live plant dealers in Kansas. In an effort to further improve the Plant Pest and Agriculture Commodity Certification Act for live plant dealers, KDA supports clarifying that only gross receipts from the sale, distribution or associated activities that define a live plant dealer will be considered in the amended license structure. The current statute only refers to a live plant dealer's gross receipts and results in confusion as it could refer to gross receipts for the entire business.

In addition, KDA supports eliminating an unlicensed class of live plant dealers and creating two live plant dealer license categories. The standard category would be for those live plant dealers with \$10,000 or more in gross live plant related sales or those that import or export plants into or out of Kansas. The second category would be a limited category for those live plant dealers with less than \$10,000 in gross live plant related sales and that do not import or export plants into or out of Kansas. Currently, these live plant dealers are exempt from obtaining a license but do have to register with KDA, requesting the license exemption on an annual basis. In addition, the department will not require a live plant dealer to obtain a separate license for live plants sold at a farmer's market registered with the secretary of agriculture when sales are made no more than one time per week. These changes will decrease confusion among stakeholders on the type of license they need and will allow the department to track live plants dealer activity more effectively and efficiently.

Finally, current law states that live plant dealers must obtain a license "before selling or offering for sale or delivery." This statutory language results in confusion among the state's live plant dealers as there is no deadline to renew one's live plant dealer license. KDA supports establishing a live plant dealer license renewal deadline of February 1 of any calendar year. This will encourage better compliance with the licensing requirement and result in less staff time needed to get live plant dealer's licensed.

The Kansas Department of Agriculture Plant Protection and Weed Control program works to ensure the health of the state's native and cultivated plants by excluding or controlling destructive pests, diseases and weeds. The amendments in this bill will strengthen the ability of the program to perform this vital activity which is beneficial to the Kansas economy and environment.

Thank you for the opportunity to speak with you today. I will stand for questions at the appropriate time.