

HOUSE BILL No. 2072

By Agriculture and Natural Resources Budget Committee

1-21

1 AN ACT concerning agriculture; relating to fertilizer fees; environmental
2 assessments; amending K.S.A. 2014 Supp. 2-1205 and 2-3713 and
3 repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 2-1205 is hereby amended to read as
7 follows: 2-1205. An inspection fee shall be collected upon all commercial
8 fertilizers sold, offered or exposed for sale, or distributed in Kansas, which
9 shall be at a rate per ton of 2,000 pounds fixed by rules and regulations
10 adopted by the secretary of agriculture, except that such rate shall not
11 exceed ~~\$1.67~~ \$1.87 per ton of 2,000 pounds. The secretary of agriculture
12 may adopt rules and regulations establishing the inspection fee rate under
13 this section. Each person registering any commercial fertilizer shall pay
14 the inspection fee on such commercial fertilizer sold, offered or exposed
15 for sale, or distributed in Kansas. Each such person shall keep adequate
16 records showing the tonnage of each commercial fertilizer shipped to or
17 sold, offered or exposed for sale, or distributed in Kansas. The secretary,
18 and duly authorized representatives of the secretary, shall have authority to
19 examine such records and other pertinent records necessary to verify the
20 statement of tonnage.

21 Each person registering any commercial fertilizer shall file an affidavit
22 semiannually, with the secretary, within 30 days after each January 1 and
23 each July 1, showing the tonnage of commercial fertilizer sold or
24 distributed in Kansas for the preceding six-month period. Each such
25 person shall pay to the secretary the inspection fee due for such six-month
26 period, except that the registrant shall not be required to pay the inspection
27 fee or report the tonnage of commercial fertilizers or fertilizer materials
28 sold and shipped directly to fertilizer manufacturers or mixers. The
29 fertilizer manufacturers or mixers shall keep adequate records of the
30 commercial fertilizers sold or distributed in this state, and report to the
31 secretary the tonnage and pay the inspection fee due. If the affidavit is not
32 filed and the inspection fee is not paid within the 30-day period, or if the
33 report of tonnage is false, the secretary may revoke the registrations filed
34 by such person. If the affidavit is not filed and the inspection fee is not
35 paid within the 30-day period, or any extension thereof granted by the
36 secretary, a penalty of \$10 per day shall be assessed against the registrant,

1 except that on and after July 1, 2015, a penalty of \$5 per day shall be
2 assessed against the registrant, and the inspection fee and penalty shall
3 constitute a debt and become the basis for a judgment against such person.
4 The secretary may grant a reasonable extension of time.

5 The secretary of agriculture is hereby authorized and empowered to
6 reduce the inspection fee by adopting rules and regulations under this
7 section whenever the secretary determines that the inspection fee is
8 yielding more than is necessary for the purpose of administering the
9 provisions of this act as listed below and the plant pest act. The secretary is
10 hereby authorized and empowered to increase the inspection fee by
11 adopting rules and regulations under this section when it finds that such is
12 necessary to produce sufficient revenues for the purposes of administering
13 the provisions of this act, except that the inspection fee shall not be
14 increased in excess of the maximum fee prescribed by this section. The
15 secretary shall remit all moneys received by or for the secretary under
16 article 12 of chapter 2 of Kansas Statutes Annotated, and amendments
17 thereto, to the state treasurer in accordance with the provisions of K.S.A.
18 75-4215, and amendments thereto. Upon receipt of each such remittance,
19 the state treasurer shall deposit the entire amount in the state treasury and
20 shall credit such remittance as follows: (1) An amount equal to \$1.40 per
21 ton shall be credited to the state water plan fund created by K.S.A. 82a-
22 951, and amendments thereto; (2) an amount equal to \$.04 per ton shall be
23 credited to the fertilizer research fund; ~~and~~ (3) *an amount equal to \$.20*
24 *per ton shall be credited to the Kansas agricultural remediation fund;* and
25 (4) the remainder shall be credited to the fertilizer fee fund. All
26 expenditures from the fertilizer fee fund shall be made in accordance with
27 appropriation acts upon warrants of the director of accounts and reports
28 issued pursuant to vouchers approved by the secretary of agriculture or by
29 a person or persons designated by the secretary.

30 Sec. 2. K.S.A. 2014 Supp. 2-3713 is hereby amended to read as
31 follows: 2-3713. (a) Subject to the provisions of K.S.A. 2-3712, and
32 amendments thereto, there is hereby imposed environmental assessments
33 as follows:

34 (1) An annual assessment of ~~\$100~~ \$175 to be paid by each custom
35 blender required to be licensed pursuant to K.S.A. 2-1201a, and
36 amendments thereto. Such assessment shall be paid to the secretary of
37 agriculture by the custom blender at the time and in the manner provided
38 by law for payment of the custom blender's license fee.

39 (2) An annual assessment of ~~\$20~~ \$40 for each commercial fertilizer
40 required to be registered pursuant to K.S.A. 2-1202, and amendments
41 thereto. Such assessment shall be paid to the secretary of agriculture by the
42 applicant for registration at the time and in the manner provided by law for
43 payment of the registration fee for the commercial fertilizer.

1 (3) An annual assessment of ~~\$60~~ \$110 for each agricultural chemical
2 required to be registered pursuant to K.S.A. 2-2204, and amendments
3 thereto, other than an agricultural chemical classified as an antimicrobial
4 pesticide, as defined by 7 U.S.C. § 136(mm). Such assessment shall be
5 paid to the secretary of agriculture by the applicant for registration at the
6 time and in the manner provided by law for payment of the registration fee
7 for the agricultural chemical.

8 (4) An annual assessment to be paid by each pesticide dealer required
9 to be registered pursuant to K.S.A. 2-2469, and amendments thereto. If the
10 annual sales of pesticides from the previous year by a pesticide dealer
11 from a business location are less than \$2,500, the annual assessment shall
12 be ~~\$5~~ \$10. If the annual sales of pesticides from the previous year by a
13 pesticide dealer from a business location are equal to or greater than
14 \$2,500, the annual assessment shall be ~~\$80~~ \$150. Such assessment shall be
15 paid to the secretary of agriculture by the pesticide dealer at the time and
16 in the manner provided by law for payment of the dealer's registration fee.

17 (5) An annual assessment of ~~\$-.0005~~ \$.0008 per bushel of storage
18 capacity of each public warehouse required to be licensed pursuant to
19 K.S.A. 34-228, and amendments thereto, or pursuant to the federal
20 warehouse act. Such assessment shall be paid to the secretary of
21 agriculture by the applicant for licensure at the time and in the manner
22 provided by law for payment of the warehouse license fee.

23 (6) An annual assessment of ~~\$-.0005~~ \$.0008 per bushel of storage
24 capacity of each public warehouse in this state that is licensed pursuant to
25 the United States warehouse act. Such assessment shall be paid to the
26 secretary of agriculture by the licensee on or before August 31 of each
27 year.

28 (7) *An annual assessment of \$.20 per ton of 2,000 pounds for each*
29 *commercial fertilizer sold, offered or exposed for sale, or distributed in*
30 *Kansas, as required to be paid by each person registering any commercial*
31 *fertilizer in Kansas, pursuant to K.S.A. 2-1205, and amendments thereto.*
32 *Such assessment shall be paid to the secretary of agriculture at the time*
33 *and in the manner provided by K.S.A. 2-1205, and amendments thereto,*
34 *and rules and regulations promulgated by the secretary of agriculture.*

35 (7) (8) An annual assessment of \$1,000 to be paid by the responsible
36 party for a site that has been sold or leased but where the seller or lessor
37 still retains responsibility for cleaning up the site. Such assessment shall be
38 paid to the secretary of agriculture by the responsible party on or before
39 September 30 of each year.

40 (b) The secretary of agriculture shall remit to the state treasurer all
41 moneys collected by the secretary from assessments paid pursuant to this
42 section. The state treasurer shall deposit the entire amount of the
43 remittance in the state treasury and credit it to the fund.

1 (c) The secretary of agriculture shall adopt rules and regulations
2 establishing procedures for payment and collection of all environmental
3 assessments.

4 (d) The secretary of agriculture shall have the authority to reimburse
5 or refund a person if an error occurred in the payment of an assessment.

6 (e) For a remediated site to be eligible for reimbursement under
7 ~~subsection (b)(1) of K.S.A. 2-3708(b)(1)~~, and amendments thereto, all
8 applicable environmental assessments must be paid for such site.

9 Sec. 3. K.S.A. 2014 Supp. 2-1205 and 2-3713 are hereby repealed.

10 Sec. 4. This act shall take effect and be in force from and after its
11 publication in the statute book.