

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
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**MEMORANDUM**

To: House Committee on Agriculture  
From: Kyle Hamilton, Assistant Revisor of Statutes  
Date: January 22, 2018  
Subject: Bill Brief on HB 2478

HB 2478 concerns activities requiring a live plant dealer's license, agriculture license renewal dates, and late fees.

Section 1, subsection (a), clarifies that a person must receive a license from the secretary of the department of agriculture before engaging in the business of a live plant dealer. The current statutory language only references selling, offering for sale, or delivering live plants within the state. The amendatory language would instead cite the definition of a live plant dealer that is found in K.S.A. 2-2113(f), which includes a more detailed list of actions.

Section 1, subsection (e), would require payment of a late fee equal to 40% of the current live plant dealer's application fee if the license is not renewed prior to February 1 of each year and if the person is engaging in the business of a live plant dealer.

Section 2, subsection (c), would require payment of a late fee equal to 40% of the current pesticide business application fee if the pesticide business license is not renewed prior to January 1 of each year.

Section 3, subsection (b), would require payment of a late fee for pest control technicians upon failure to renew their registration prior to January 1 of each year. The fee would be \$25 or a fee equal to 40% of the current application fee, whichever is greater.

Section 4 would allow any manufacturer of liming materials to push back their June 30 renewal deadline to July 31 if their registration is submitted with an annual statement showing how many net tons of agricultural liming material they sold, for use in the state, during the last 12 months.

Section 5 would require payment of a late fee from lodging establishments if the required license is not renewed 30 days following the license's expiration date on March 31. The fee would be \$25 or a fee equal to 40% of the current license fee, whichever is greater.

Sections 6 through 10 would change the annual license expiration dates from June 30 to September 30 for livestock market operators, electronic auction operators, persons who engage in the business of operating dead animal disposal plants, feedlot operators, and livestock dealers, as well as domesticated deer permits.

Section 11 would require food establishments or food processing plants that renew their licenses within 30 days of March 31 to pay a late fee equal to 40% of the current license fee.

HB 2478 would become effective upon publication in the Kansas register.

**2-2113. Definitions.** As used in this act:

(a) "Plant pests" includes any stage of development of any insect, nematode, arachnid, or any other invertebrate animal, or any bacteria, fungus, virus, weed or any other parasitic plant or microorganism, or any toxicant, which can injure plants or plant products, or which can cause a threat to public health.

(b) "Secretary" means the secretary of the Kansas department of agriculture, or the authorized representative of the secretary.

(c) "Plants" means trees, shrubs, grasses, vines, forage and cereal plants and all other plants including growing crops; cuttings, grafts, scions, buds and all other parts of plants.

(d) "Plant products" means fruit, vegetables, roots, bulbs, seeds, wood, lumber, grains and all other plant products.

(e) "Location" means any grounds or premises on or in which live plants are propagated, or grown, or from which live plants are removed for sale, or any grounds or premises on or in which live plants are being fumigated, treated, packed, stored or offered for sale.

(f) "Live plant dealer" means any person, unless excluded by rules and regulations adopted hereunder, who engages in business in the following manner:

(1) Grows live plants for sale or distribution;

(2) buys or obtains live plants for the purpose of reselling or reshipping within this state;

(3) plants, transplants or moves live plants from place to place within the state with the intent to plant such live plants for others and receives compensation for the live plants, for the planting of such live plants or for both live plants and plantings; or

(4) gives live plants as a premium or for advertising purposes.

(g) "Person" means a corporation, company, society, association, partnership, governmental agency and any individual or combination of individuals.

(h) "Permit" means a document issued or authorized by the secretary to provide for the movement of regulated articles to restricted destinations for limited handling, utilization or processing.

(i) "Host" means any plant or plant product upon which a plant pest is dependent for completion of any portion of its life cycle.

(j) "Regulated article" means any host or any article of any character as described in a quarantine or regulation carrying or being capable of carrying the plant pest against which the quarantine or regulation is directed.

(k) "Live plant" means any living plant, cultivated or wild, or any part thereof that can be planted or propagated unless specifically exempted by the rules or regulations of the secretary.

(l) "Quarantine pest" means a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled.

(m) "Regulated nonquarantine pest" means a nonquarantine pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated.

(n) "Official control" means the active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated nonquarantine pest.

(o) "Regulated area" means an area into which, within which or from which plants, plant products and other regulated articles are subjected to phytosanitary regulations or procedures in order to prevent the introduction or spread of quarantine pests or to limit the economic impact of regulated nonquarantine pests.

(p) "Bee" means a honey-producing insect of the genus *Apis* including all life stages of the insect.

(q) "Beekeeping equipment" means all hives, supers, frames or other devices used in the rearing or manipulation of bees or their brood.

(r) "Toxicant" means any chemical, including an agricultural chemical as defined in K.S.A. [2-2202](#), and amendments thereto, or any biological substance which, if present in unsafe levels, can render a plant or plant product unsafe for human or animal consumption.

**History:** L. 1965, ch. 6, § 2; L. 1988, ch. 5, § 1; L. 2002, ch. 91, § 2; L. 2011, ch. 72, § 1; L. 2016, ch. 101, § 1; July 1.