

**Testimony on Repeal Bills
to
The House Governmental Efficiency Committee**

By Kansas Department of Agriculture

February 9, 2012

The following are the agency's statements regarding the bills before you today. Lane Letourneau, Water Appropriations Program Manager, Division of Water Resources, Kansas Department of Agriculture, is here to speak on HB 2596; Dr. Gary Meyer, Pesticide and Fertilizer Program Manager, Kansas Department of Agriculture is available to speak on HB 2604 and HB 2605; and Tim Tyson, Director, Ag Marketplace Protection Program, Kansas Department of Agriculture; will speak on HB 2597 and HB 2626.

HB 2596- Repeal of 2011 Supp 74-509 concerning the duties of the irrigation commission

The agency supports repealing this statute as it is obsolete. None of the duties referenced in the statute above are being conducted anymore and are unnecessary with the water right system in place and data collection currently available. The agency's water right system knows what is reasonable for irrigation based on crop water needs and location in Kansas. Water right holders are required to provide water use and non-use data annually. It is reported by well or pump site, and it is very detailed data.

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.