

Kansas Plant Pest Act

Sub. for HB 2271 amends various provisions of the Kansas Plant Pest Act and clarifies authority given to the Secretary of Agriculture or the Secretary's designee. Specifically, the bill:

- Creates a separate definition of the term “plant products”;
- Clarifies that the Secretary has the authority to enter any property, other than a private dwelling, in order to inspect, monitor, place and inspect monitoring equipment, and obtain samples;
- Changes probable cause to reasonable suspicion as the criteria to allow the Secretary to stop and inspect any conveyance when there is a belief the contents contain or carry any plant pest;
- Allows the Secretary to apply to any court of competent jurisdiction for an order to permit access to any property if access is denied;
- Allows the Secretary to treat or dispose of plant pests if the person in possession of the plant pests fails to comply with an order to do so;
- Permits the assessment of reasonable costs of treatment and disposal of plant pests against live plant dealers when the Secretary incurs these types of costs;
- Allows any diagnostic and identification service fees to be assessed and established by rules and regulations of the Secretary;
- Eliminates vehicles from which live plants are offered for sale from the license requirements;
- Increases the maximum cap on the application fee for a live plant dealer license from \$60 to \$80;
- Exempts live plant dealers who import or export plants into or from the state who have annual gross receipts of \$10,000 or less from license requirements (a change from requiring a license but no payment of fees for these dealers);
- Clarifies that the Secretary may deny an application or refuse to renew, revoke, suspend, or modify the provisions of any license, permit, or certificate

issued under the Plant Pest Act (the specific conditions for this type of action are outlined in the proposed changes to the Act);

- Clarifies that live plants being shipped into or within this state have proper documentation;
- Makes each day a criminal violation of the Act occurs or continues a separate violation;
- Eliminates the provision that establishes a maximum amount (\$15,000) that may be collected in the Plant Pest Emergency Response Fund;
- Permits district courts to issue orders and have jurisdiction over violations of the Act;
- Raises the upper civil penalty limitation for violation of the Act or any rules and regulations from \$1,000 to \$2,000;
- Designates the Entomology Fee Fund as the Plant Protection Fee Fund;
- Eliminates a provision that permits each day of a continuing violation of the Plant Pest Act to be deemed a separate civil violation; and
- Clarifies and corrects a number of technical issues.