

As Amended by House Committee

Session of 2018

HOUSE BILL No. 2478

By Committee on Agriculture

1-17

1 AN ACT concerning agriculture; relating to the Kansas department of
2 agriculture; activities requiring a live plant dealer's license; license
3 renewal dates and late fees; **authorizing the Kansas secretary of**
4 **agriculture to charge and collect a late fee for any license, permit**
5 **or registration that is not renewed prior to expiration;** amending
6 K.S.A. 47-1208 and 49-623 and K.S.A. 2017 Supp. 2-1014, 2-1421a,
7 2-2120, 2-2440, 2-2440b, 2-2445a, 2-2446, 2-2469, 2-2805, 2-2905,
8 36-505, 47-1001e, 47-1503, 47-1805, 47-2101—and, 65-691, 65-778,
9 74-576, 83-302 and 83-402 and repealing the existing sections.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 **Section 1.** K.S.A. 2017 Supp. 2-1014 is hereby amended to read as
13 follows: 2-1014. (a) No manufacturer, importer, jobber, firm,
14 association, corporation or person shall sell, offer or expose for sale or
15 distribute in this state any commercial feeding stuffs unless such
16 person holds a valid license for each manufacturing or distribution
17 facility in this state. No license shall be required of persons
18 distributing only packages or containers of a licensed manufacturer,
19 importer, jobber, firm, association, corporation or person as packaged
20 and labeled by the manufacturer, importer, jobber, firm, association,
21 corporation or person and whose name and address appear on the
22 label as required in K.S.A. 2-1002, and amendments thereto. Any out-
23 of-state manufacturer, importer, jobber, firm, association, corporation
24 or person who has no distribution facility within this state shall obtain
25 a license for such entity's principal out-of-state office if such out-of-
26 state manufacturer, importer, jobber, firm, association, corporation,
27 person or other entity sells, offers or exposes for sale or distributes any
28 commercial feeding stuffs in this state. Application shall be made on
29 forms prescribed and furnished by the secretary of agriculture. The
30 application shall be accompanied by an annual license fee of \$10.
31 Licenses shall be renewed annually on or before July 1. *Any licensee*
32 *who fails to renew such license annually on or before July 1 shall be*
33 *required to pay a late fee not to exceed 40% of the current license fee or*
34 *\$100, whichever is less.*

35 (b) The secretary, pursuant to rules and regulations, may deny,
36 suspend, revoke or refuse to renew the commercial feed license if the

1 applicant or the licensee of any manufacturing or distribution facility
2 is not in compliance with the provisions of article 10 of chapter 2 of
3 the Kansas Statutes Annotated, and amendments thereto, and any
4 rules and regulations promulgated thereunder. The secretary may
5 deny, suspend, revoke or refuse to renew any commercial feed license
6 subsequently found not to be in compliance with any provision of
7 article 10 of chapter 2 of the Kansas Statutes Annotated, and
8 amendments thereto, and any rules and regulations promulgated
9 thereunder. No commercial feed license shall be denied, suspended,
10 revoked or refused renewal unless the applicant or licensee has been
11 given an opportunity for a hearing in accordance with the provisions
12 of the Kansas administrative procedure act.

13 (c) The secretary, pursuant to rules and regulations, may request
14 copies of labels and labeling in order to determine compliance with the
15 requirements of article 10 of chapter 2 of the Kansas Statutes
16 Annotated, and amendments thereto.

17 Sec. 2. K.S.A. 2017 Supp. 2-1421a is hereby amended to read as
18 follows: 2-1421a. (a) (1) Each wholesaler shall register with the
19 secretary and shall pay a registration fee not to exceed \$300. The
20 current wholesale registration fee is hereby set at \$175 and shall
21 remain at that amount until changed by rules and regulations of the
22 secretary.

23 (2) Each retailer shall register with the secretary and shall pay a
24 registration fee not to exceed \$30. The current retailer registration fee
25 is hereby set at \$10 and shall remain at that amount until changed by
26 rules and regulations of the secretary.

27 (3) Registration shall be required for each place of business at
28 which agricultural seed is sold, offered or exposed for sale by the
29 wholesaler or retailer.

30 (4) An individual who conducts a wholesaler and retailer business
31 at the same location shall be required to register as both a wholesaler
32 and retailer.

33 (b) Application for registration shall be made on a form provided
34 by the secretary. Each registration for a wholesaler or retailer shall
35 expire on August 31 following the date of issuance ~~unless such~~
36 ~~registration is renewed annually.~~ *Failure to renew any such registration on*
37 *or before August 31 of each year shall require payment of a late fee not to*
38 *exceed 40% of the current applicable registration fee or \$100, whichever*
39 *is less.*

40 (c) Each seed conditioner shall register with the secretary. Such
41 seed conditioner registration shall require no registration fee and shall
42 be a biennial registration. Any seed conditioner who is ceasing to do
43 business as a seed conditioner shall notify the Kansas department of

1 agriculture within 30 days of ceasing to do business.

2 (d) As used in this section, "agricultural seed" shall include grain
3 when sold as such, or when sold according to grain standards and the
4 seller knows, or has reason to know, that the grain is to be used for
5 seeding or planting purposes.

6 (e) The secretary shall remit all moneys received under this
7 section to the state treasurer in accordance with the provisions of
8 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
9 remittance, the state treasurer shall deposit the entire amount in the
10 state treasury to the credit of the agricultural seed fee fund which is
11 hereby created. All expenditures from such fund shall be made in
12 accordance with appropriation acts upon warrants of the director of
13 accounts and reports issued pursuant to vouchers approved by the
14 secretary or a person or persons designated by the secretary.

15 (f) All moneys credited to the agricultural seed fee fund shall be
16 expended for any purpose consistent with the Kansas seed law.

17 (g) The secretary may adopt rules and regulations necessary to
18 administer the provisions of this act.

19 (h) This section shall be part of and supplemental to the Kansas
20 seed law, K.S.A. 2-1415 et seq., and amendments thereto.

21 ~~Section 4. Sec. 3.~~ K.S.A. 2017 Supp. 2-2120 is hereby amended to
22 read as follows: 2-2120. (a) Every live plant dealer, before ~~selling or~~
23 ~~offering for sale or delivering any live plants in this state, engaging in the~~
24 *business of a live plant dealer, as defined in K.S.A. 2-2113(f), and*
25 *amendments thereto*, shall procure from the secretary a live plant dealer's
26 license for each location from which such live plant dealer engages in
27 business as a live plant dealer.

28 (b) Application for such license shall be made on a form furnished by
29 the secretary. The fee for each application shall be fixed by rules and
30 regulations adopted by the secretary, except that such fee shall not exceed
31 \$80, excluding the plant pest emergency fee, authorized pursuant to K.S.A.
32 2017 Supp. 2-2129, and amendments thereto.

33 (c) A live plant dealer shall not be required to obtain a license if such
34 live plant dealer does not import or export plants into or from the state and
35 the annual gross receipts of such live plant dealer's business is less than
36 \$10,000.

37 (d) Such live plant dealer's license shall expire on January 31,
38 following date of issue.

39 (e) ~~Payment of a late fee equal to~~ **not to exceed 40% of the current**
40 **application fee or \$100, whichever is less, shall be assessed to every live**
41 **plant dealer that fails to renew such license prior to February 1 of each**
42 **year and that engages in the business of a live plant dealer.**

43 (f) A live plant dealer may only engage in the live plant business with

1 live plants ~~which~~ *that* are:

2 (1) In compliance with all quarantines and regulated nonquarantine
3 pest freedom standards established by the secretary; or

4 (2) accompanied by a valid certificate of inspection of a federal
5 inspector or inspector of another state stating that such live plants comply
6 with all applicable quarantines and regulated nonquarantine pest freedom
7 standards.

8 Sec. ~~2~~. 4. K.S.A. 2017 Supp. 2-2440 is hereby amended to read as
9 follows: 2-2440. (a) Subject to the provisions of subsection (d), it is
10 unlawful for any pesticide business ~~which~~ *that* has not been issued a
11 pesticide business license to:

12 (1) Advertise, offer for sale, sell or perform any service for the
13 control of a pest on the property of another or apply a pesticide to the
14 property of another within this state; or

15 (2) perform any service for the control of a pest or apply any
16 pesticide on or at the premises of another person under any commission,
17 division of receipts or subcontracting arrangement with a licensed
18 pesticide business.

19 Nothing in this subsection shall be construed to require the licensing of
20 any person applying restricted use pesticides to the property of another as
21 a certified private applicator or under the supervision of a certified private
22 applicator.

23 (b) Application for a pesticide business license or renewal shall be
24 made on a form obtained from the secretary and shall be accompanied by
25 an application fee per category in which the licensee applies, and an
26 additional fee for each uncertified individual employed by the applicant to
27 apply pesticides. The application fee per category shall be \$140 per
28 category in which the licensee applies, except that on and after July 1,
29 2023, the application fee per category shall be \$112 per category in which
30 the licensee applies. An additional fee of \$15 shall be paid for each
31 uncertified individual employed by the applicant to apply pesticides,
32 except that on and after July 1, 2023, an additional fee of \$10 shall be paid
33 for each uncertified individual employed by the applicant to apply
34 pesticides. The application fee per category and the additional fee for each
35 uncertified employee in effect on the day preceding the effective date of
36 this act shall continue in effect until the secretary adopts rules and
37 regulations fixing a different fee under this subsection. Any uncertified
38 individual employed for a period of more than 10 days in a 30-day period
39 or for five consecutive days by a licensee to apply pesticides subsequent to
40 such application shall be reported to the secretary within 30 days of such
41 employee's hiring and the fee shall be paid at that time. Each application
42 shall also include the following:

43 (1) The business name of the person applying for such license or

1 renewal;

2 (2) if the applicant is an individual, receiver, trustee, representative,
3 agent, firm, partnership, association, corporation or other organized group
4 of persons, whether or not incorporated, the full name of each owner of the
5 firm or partnership or the names of the officers of the association,
6 corporation or group;

7 (3) the principal business address of the applicant in the state and
8 elsewhere; and

9 (4) any other information the secretary, by rules and regulations,
10 deems necessary for the administration of this act.

11 (c) The secretary may issue a pesticide business license to apply
12 pesticides in categories for which an applicant has applied if the applicant
13 files the bond, insurance, letter of credit or proof of an escrow account as
14 required under K.S.A. 2-2448, and amendments thereto, satisfies the
15 requirements of subsection (b), and pays the required fees. Such license
16 shall expire at the end of the calendar year for which it is issued unless it
17 has been revoked or suspended prior thereto. *Failure to renew such license*
18 *prior to January 1 of each year shall result in a late fee—equal to* **not to**
19 **exceed 40% of the current application fee or \$100, whichever is less.** If a
20 license is not issued as applied for, the secretary shall inform the applicant
21 in writing of the reasons therefor.

22 (d) The following persons shall be exempted from the licensing
23 requirements of this act:

24 (1) State or federal personnel using pesticides or pest control services
25 while engaged in pesticide use research;

26 (2) veterinarians or physicians using pesticides as a part of their
27 professional services; and

28 (3) any person or such person's employee who applies pesticides on
29 or at premises owned, leased or operated by such person.

30 (e) Subject to the provisions of subsection (d), it is unlawful for any
31 governmental agency ~~which~~ *that* has not been issued a government agency
32 registration to apply pesticides within this state. Application for
33 government agency registration shall be made on a form obtained from the
34 secretary and shall be accompanied by a fee fixed by rules and regulations
35 adopted by the secretary, except that such fee shall not exceed \$50, except
36 that on and after July 1, 2023, such fee shall not exceed \$35. The
37 governmental agency registration fee in effect on the day preceding the
38 effective date of this act shall continue in effect until the secretary adopts
39 rules and regulations fixing a different fee therefor under this subsection.
40 No fee shall be required of any township located within a county ~~which~~
41 *that* has previously applied for and received government agency
42 registration. Each application for registration shall contain information
43 including, but not limited to:

1 (1) The name of the government agency;
2 (2) the mailing address of the applicant;
3 (3) the name and mailing address of the person who heads such
4 agency and who is authorized to receive correspondence and legal papers.
5 Such person shall be: (A) The mayor or city manager for municipalities;
6 (B) the chairperson of the board of county commissioners for counties; (C)
7 the township trustee for townships; or (D) any person designated by any
8 other governmental agency; and

9 (4) any other information the secretary, by rules and regulations,
10 deems necessary for the administration of this act.

11 (f) If the secretary finds the application to be sufficient, the secretary
12 shall issue a government agency registration. The government agency is
13 not required to furnish a surety bond under this act. Such government
14 agency registration shall expire at the end of the calendar year for which it
15 is issued unless it has been revoked or suspended prior thereto. **Failure to**
16 **renew such registration prior to January 1 of each year shall result in**
17 **a late fee not to exceed 40% of the current registration fee or \$100,**
18 **whichever is less.** If a registration is not issued as applied for, the
19 secretary shall inform the applicant in writing of the reasons therefor.

20 (g) A pesticide business license or government agency registration
21 may be renewed by meeting the same requirements as for a new license or
22 registration. Neither the pesticide business license nor the government
23 agency registration shall be transferable, except that, in the event of the
24 disability, incapacity or death of the owner, manager or legal agent of a
25 pesticide business licensee, a permit may be issued by the secretary to
26 permit the operation of such business until the expiration period of the
27 license in effect at the time of such disability, incapacity or death if the
28 applicant therefor can show that the policies and services of such business
29 will continue substantially as before, with due regard to protection of the
30 public and the environment.

31 (h) No pesticide business license may be issued to any person until
32 such person is or has in such person's employ one or more individuals who
33 are certified commercial applicators in each of the categories for which the
34 license application is made.

35 ~~Sec. 3.~~ **5.** K.S.A. 2017 Supp. 2-2440b is hereby amended to read as
36 follows: 2-2440b. (a) It shall be unlawful for any pesticide business
37 licensee to apply pesticides for the control of wood destroying pests,
38 structural pests, ornamental pests, turf pests or interior landscape pests
39 unless the applicator of the pesticide is a certified commercial applicator or
40 is a registered pest control technician, except that an uncertified
41 commercial applicator may apply pesticides when either a certified
42 applicator or registered pest control technician is physically present.

43 (b) Any such employee applying for a pest control technician

1 registration shall file an application on a form prescribed by the secretary.
2 Application for such registration shall be accompanied by an application
3 fee established by rules and regulations adopted by the secretary, except
4 that such fee shall not exceed \$40, except that on and after July 1, 2023,
5 such fee shall not exceed \$25, and shall be reduced, but not below zero, by
6 an amount equal to the additional fee paid under K.S.A. 2-2440(b), and
7 amendments thereto, for such uncertified individual. *Failure to renew such*
8 *registration prior to January 1 of each year shall require payment of a late*
9 *fee of ~~\$25~~ \$100 or a late fee ~~equal to~~ not to exceed 40% of the current*
10 *application fee, whichever is ~~greater~~ less.*

11 (c) If the secretary finds the applicant qualified to be a registered pest
12 control technician after meeting the training requirements determined by
13 the secretary in rules and regulations, the secretary shall issue a pest
14 control technician registration ~~which~~ *that* will expire at the end of the
15 calendar year.

16 (d) This section shall be part of and supplemental to the Kansas
17 pesticide law.

18 **Sec. 6. K.S.A. 2017 Supp. 2-2445a is hereby amended to read as**
19 **follows: 2-2445a. In lieu of obtaining a commercial applicator's**
20 **certificate under the provisions of K.S.A. 2-2441a, and amendments**
21 **thereto, a private applicator's certificate may be applied for by and**
22 **issued to individuals using restricted use pesticides for the purpose of**
23 **producing any agricultural commodity on property owned or rented**
24 **by the individual or such individual's employer, or on the property of**
25 **another for no compensation other than the trading of personal**
26 **services between producers. Such certificates shall expire on the**
27 **anniversary of the individual's date of birth occurring in the fifth**
28 **calendar year following the year of issue. No certification shall be**
29 **required hereunder for individuals operating under the supervision of**
30 **a certified private applicator.**

31 **Certified private applicator certificates may be issued to**
32 **individuals who have paid: (a) A fee fixed by rules and regulations**
33 **adopted by the secretary, except that on and after July 1, 2023, such**
34 **fee shall not exceed \$10; and (b) who have acquired practical**
35 **knowledge of pest problems, proper storage, use, handling and**
36 **disposal of pesticides and pesticide containers, pertinent information**
37 **found on the pesticide labels, pesticide use safety and environmental**
38 **considerations, either through Kansas state university extension**
39 **service educational training or through individual study of**
40 **educational materials available at county extension offices or the**
41 **secretary. The certified private applicator certificate fee in effect on**
42 **the day preceding the effective date of this act shall continue in effect**
43 **until the secretary adopts rules and regulations fixing a different fee**

1 therefor under this section. Individuals shall indicate adequate
2 knowledge of the subjects enumerated herein by passing an open-book
3 examination approved by the secretary. *Individuals who submit the*
4 *required certificate fee after the expiration of such individual's certificate*
5 *shall be required to pay a late fee not to exceed 40% of the certificate fee*
6 *or \$100, whichever is less.*

7 Educational materials and examination blanks shall be made
8 available at county extension offices and at places where extension
9 educational training is conducted. The examinations shall be scored by
10 members of the extension or secretary's staff. If an individual passes
11 the examination by equaling or exceeding a standard authorized by
12 the secretary, a certified private applicator's certificate shall be issued
13 to such individual. Such staff member shall send a copy of the
14 certificate issued, together with the fee, to the secretary.

15 A certified applicator who holds a current certificate to apply
16 pesticides as a certified private applicator in any other state or
17 political subdivision of the United States may be exempted from
18 examination for private applicator certification in this state upon
19 payment of proper fees and approval by the secretary.

20 Sec. 7. K.S.A. 2017 Supp. 2-2446 is hereby amended to read as
21 follows: 2-2446. (a) A commercial applicator's certification may be
22 renewed for a succeeding three-year period by paying the fees
23 prescribed in K.S.A. 2-2441a, and amendments thereto, passing the
24 examinations provided for in K.S.A. 2-2443a, and amendments
25 thereto, and completing the renewal application form prescribed by
26 the secretary.

27 (b) In lieu of such examinations, the secretary may accept
28 attendance and satisfactory completion of a training course approved
29 by the secretary. If certification is renewed by training, the renewal
30 application form shall be accompanied by a recertification-by-training
31 fee of \$50 per category unless a fee not to exceed \$50 is established in
32 rules and regulations adopted by the secretary.

33 (c) (1) A certified commercial applicator may recertify by
34 training following the expiration of the certification period, if:

35 ~~(1)~~(A) All training requirements were completed during the
36 certification period; and

37 ~~(2)~~(B) the renewal application form and all appropriate fees were
38 received by the secretary on or before 30 days following expiration of
39 the certification period.

40 (2) *Failure to renew such certification before 30 days following*
41 *expiration of the certification period shall result in a late fee not to exceed*
42 *40% of the current renewal application fee or \$100, whichever is less.*

43 (d) A private applicator's certification may be renewed for a

1 succeeding five-year period by paying the fee prescribed in K.S.A. 2-
2 2445a, and amendments thereto, passing the examination provided for
3 in K.S.A. 2-2445a, and amendments thereto, and completing the
4 renewal application form prescribed by the secretary. Such
5 examination shall be offered by the secretary by mail. County
6 extension agricultural meetings shall include pertinent pesticide
7 information for private applicators.

8 (e) A pest control technician's registration may be renewed for a
9 succeeding one-year period by paying the fees prescribed in K.S.A. 2-
10 2440b, and amendments thereto, completing the renewal form
11 prescribed by the secretary, and completing any requirements
12 concerning retraining prescribed by rules and regulations.

13 Sec. 8. K.S.A. 2017 Supp. 2-2469 is hereby amended to read as
14 follows: 2-2469. (a) Each person who is a pesticide dealer shall register
15 with the secretary. Registration shall be required for each business
16 location distributing pesticides and shall be on a form provided by the
17 secretary. Each registration shall expire on June 30 following issuance
18 unless such registration is renewed annually. A registration fee of \$20
19 shall accompany the application. *Failure to renew such registration*
20 *prior to July 1 of each year shall require payment of a late fee not to*
21 *exceed 40% of the current registration fee or \$100, whichever is less.*

22 (b) The provisions of this section shall not apply to a licensed
23 pesticide business which sells pesticides only as an integral part of
24 such business' pesticide application service when the pesticides are
25 dispensed only through equipment used for this pesticide application,
26 nor to the sale of general use pesticides purchased for household use
27 only, nor to any federal, state, county or municipal agency which
28 provides pesticides only for its own programs nor to any individual
29 who is the final purchaser of a pesticide for application to property or
30 property rights owned, leased, or otherwise acquired by such person.

31 (c) Each registered pesticide dealer is responsible for the acts of
32 each individual employed by such dealer in the solicitation and sale of
33 pesticides and for all claims and recommendations for use of pesticides
34 made by such employees. The dealer's registration shall be subject to
35 denial, suspension, or revocation after notice and opportunity for a
36 hearing are given in accordance with the provisions of the Kansas
37 administrative procedure act for any violation of this act whether
38 committed by the dealer or by the dealer's officers, agents or
39 employees.

40 (d) All fees received under this section shall be remitted to the
41 state treasurer in accordance with K.S.A. 2-2464a, and amendments
42 thereto. Upon receipt of each such remittance, the state treasurer shall
43 deposit the entire amount thereof in the state treasury and 75% of

1 such amount shall be credited to the pesticide use fee fund and 25% of
2 each such amount shall be credited to the publications fee fund of the
3 Kansas department of agriculture.

4 **Sec. 9. K.S.A. 2017 Supp. 2-2805 is hereby amended to read as**
5 **follows: 2-2805. Each soil amendment product shall be registered with**
6 **the secretary before it is distributed in this state. Application for**
7 **registration shall be submitted to the secretary, on a form prepared**
8 **for that purpose, showing the information required on the label, as**
9 **provided in K.S.A. 2-2804, and amendments thereto, except net weight**
10 **of product. The registration fee shall be fixed by rules and regulations**
11 **adopted by the secretary of agriculture for each product, except that**
12 **such fee shall not exceed \$100 for each product. The soil amendment**
13 **product registration fee in effect on the day preceding the effective**
14 **date of this act shall continue in effect until the secretary of**
15 **agriculture adopts rules and regulations fixing a different fee therefor**
16 **under this section. All registrations shall expire on December 31 of the**
17 **year in which such soil amendment product is registered. Failure to**
18 *renew such registration on or before December 31 of the year in which*
19 *such soil amendment product was registered shall require payment of a*
20 *late fee not to exceed 40% of the current registration fee or \$100,*
21 *whichever is less. The applicant shall submit with the application for*
22 *registration a copy of the label and a copy of all advertisements,*
23 *brochures, posters and television and radio announcements to be used*
24 *in promoting the sale of the soil amendment.*

25 ~~Sec.-4- 10.~~ K.S.A. 2017 Supp. 2-2905 is hereby amended to read as
26 follows: 2-2905. (a) Every manufacturer of liming materials to be
27 distributed in this state shall on July 1 of each year, or prior to manufacture
28 or distribution of such liming materials, register each manufacturing
29 facility on a form furnished by the secretary of agriculture, the application
30 to be accompanied by a fee of ~~\$30, except that on and after July 1, 2015,~~
31 ~~such application shall be accompanied by a fee of \$25.~~ All such licenses
32 shall expire on June 30 of the following year, *except as authorized in*
33 *subsection (b).*

34 (b) *Any manufacturer of liming materials may delay such registration*
35 *without halting operations until July 31 of each year without penalty or*
36 *violation of this act, if such registration is submitted concurrently with the*
37 *annual statement required pursuant to K.S.A. 2-2906, and amendments*
38 *thereto.*

39 (c) *Any manufacturer of liming materials that fails to submit such*
40 *registration as required by subsection (a) or (b) shall be in violation of*
41 *this act.*

42 ~~Sec.-5- 11.~~ K.S.A. 2017 Supp. 36-505 is hereby amended to read as
43 follows: 36-505. Except as otherwise provided in this section, any license

1 issued under the provisions of this act shall expire on March 31 following
2 the date of issuance, and may be renewed by making application to the
3 secretary on or before the expiration date. Application for renewal of a
4 license shall be made on a form prescribed by the secretary and shall be
5 accompanied by the license fee required for the issuance of an original
6 license. If, for any reason, a licensee fails to renew a license prior to the
7 expiration date, the licensee may obtain a renewal of such license within
8 30 days following the expiration date by complying with the foregoing
9 provisions of this section and paying a ~~\$25~~ **\$100** late fee *or a late fee*
10 *equal to not to exceed 40% of the current license fee, whichever is greater*
11 **less**. If the licensee does not renew within the 30-day period, then the
12 license is treated as expired and the licensee must apply for a new license.

13 ~~Sec. 6.~~ **12.** K.S.A. 2017 Supp. 47-1001e is hereby amended to read as
14 follows: 47-1001e. (a) Each livestock market operator shall pay annually,
15 on or before ~~June~~ *September* 30, a renewal market license fee in an amount
16 set by the Kansas animal health board and adopted by rules and
17 regulations of the commissioner of not more than \$250 to the
18 commissioner for each public livestock market operated by such operator,
19 which payment shall constitute a renewal until ~~June~~ *September* 30 of the
20 following year. **Failure to renew such license on or before September**
21 **30 of each year shall result in a late fee not to exceed 40% of the**
22 **current application fee or \$100, whichever is less.** The renewal market
23 license fee established by this section on the day preceding the effective
24 date of this act shall continue in effect until a different renewal market
25 license fee is set as provided under this section.

26 (b) Any person who owns or operates an electronic auction ~~which~~
27 *that* is simulcast into the state of Kansas and at which livestock located in
28 the state of Kansas are offered for sale, shall apply to the animal health
29 commissioner for an electronic auction license. A license shall be granted
30 to such person upon a showing that such person meets the bond
31 requirements, as established in K.S.A. 47-1002, and amendments thereto,
32 and has paid an annual fee in an amount set by the Kansas animal health
33 board and adopted by rules and regulations of the commissioner of not
34 more than \$250. Any such license shall expire on ~~June~~ *September* 30 of
35 each year. **Failure to renew such license on or before September 30 of**
36 **each year shall result in a late fee not to exceed 40% of the current**
37 **annual license fee or \$100, whichever is less.**

38 ~~Sec. 7.~~ **13.** K.S.A. 47-1208 is hereby amended to read as follows: 47-
39 1208. All licenses and permits issued under this act shall expire on ~~June~~
40 *September* 30 following date of issuance. All applications for renewal of
41 licenses and permits shall be in compliance with the requirements of this
42 act for the issuance of original licenses and permits. **Failure to renew any**
43 **license or permit on or before September 30 of each year shall result in**

1 **a late fee not to exceed 40% of the current application fee or \$100,**
 2 **whichever is less.**

3 ~~Sec. 8.~~ **14.** K.S.A. 2017 Supp. 47-1503 is hereby amended to read as
 4 follows: 47-1503. (a) It shall be unlawful for any person to operate a
 5 feedlot within the state of Kansas without having first obtained a license
 6 from the animal health commissioner authorizing and permitting such
 7 operation.

8 (b) An operator of any feedlot in the state of Kansas, or a person
 9 desiring to operate a feedlot in the state of Kansas shall obtain from the
 10 animal health commissioner, a license to operate a feedlot, unless
 11 exempted therefrom. The owner or operator of any livestock feedlot, with
 12 a capacity of less than 1,000 head of livestock, may apply for and obtain a
 13 license for feedlot operations, if such owner or operator chooses and elects
 14 to come under the terms and provisions of this act, but the licensing for
 15 operations at a capacity of less than 1,000 head shall not be required.

16 (c) Application for a livestock feedlot license shall be filed with the
 17 animal health commissioner, on a form prescribed and furnished by the
 18 commissioner. Upon the filing of such an application and payment of the
 19 required fees, the commissioner shall issue a livestock feedlot license to
 20 such applicant, provided the application discloses information assuring the
 21 commissioner that the operation of such feedlot will be conducted in
 22 accordance with the standards set forth elsewhere in this act, and with
 23 rules and regulations adopted by the commissioner.

24 (d) Feedlot licenses shall be issued for the term of one year, to expire
 25 on ~~June~~ **September 30** following the date of issuance. Feedlot licenses may
 26 be continued in force by annual renewal or extension of such license with
 27 the payment of an annual license fee, and with continued compliance by
 28 the operator with the provisions of this act, and rules and regulations
 29 adopted hereunder. **Failure to pay any such annual license fee on or**
 30 **before September 30 of each year shall result in a late fee not to exceed**
 31 **40% of the current license fee or \$100, whichever is less.**

32 (e) Each cattle feedlot operator, who shall be granted a license, shall
 33 pay a fee in an amount set by the Kansas animal health board and adopted
 34 by rules and regulations of the commissioner for such license and for
 35 annual renewal thereof, in accordance with and subject to the following
 36 schedule of maximum fees:

<i>Feedlot capacity</i>	<i>Maximum fee</i>
37 Under 1,000 head.....	\$75
38 1,000 to 2,999 head.....	\$350
39 3,000 to 5,999 head.....	\$650
40 6,000 to 9,999 head.....	\$750
41 10,000 to 17,999 head.....	\$1,100
42 18,000 to 29,999 head.....	\$1,500
43	

1	30,000 to 49,999 head.....	\$1,650
2	50,000 to 99,999 head.....	\$1,800
3	100,000 head and over.....	\$2,000

4 The fees established by this subsection on the day preceding the
 5 effective date of this act shall continue in effect until different fees are set
 6 as provided under this subsection.

7 (f) For the purposes of this subsection, "animal unit" means the
 8 number of swine weighing more than 55 pounds multiplied by 0.4; plus
 9 the number of swine weighing 55 pounds or less multiplied by 0.1; plus
 10 the number of sheep or lambs multiplied by 0.1; plus the number of goats
 11 multiplied by 0.1. Each swine, sheep and goat feedlot operator, who shall
 12 be granted a license, shall pay a fee in an amount set by the Kansas animal
 13 health board and adopted by rules and regulations of the commissioner for
 14 such license and for annual renewal thereof, in accordance with and
 15 subject to the following schedule of maximum fees:

16	<i>Feedlot capacity</i>	<i>Maximum fee</i>
17	300 to 999 Animal units.....	\$75
18	1,000 to 2,999 Animal units.....	\$350
19	3,000 to 5,999 Animal units.....	\$650
20	6,000 to 9,999 Animal units.....	\$750
21	10,000 to 17,999 Animal units.....	\$1,100
22	18,000 to 29,999 Animal units.....	\$1,500
23	30,000 to 49,999 Animal units.....	\$1,650
24	50,000 to 99,999 Animal units.....	\$1,800
25	100,000 Animal units and over.....	\$2,000

26 (g) If an original feedlot license expires within six months after date
 27 of issuance, only 50% of the applicable license fee shall be required. An
 28 application for feedlot license shall not be approved, nor shall a license be
 29 issued to any applicant unless the application is accompanied by the
 30 applicable license fee under the schedule of fees in this section. Each
 31 licensed feedlot operator shall pay an annual license fee in accordance
 32 with the schedule of fees in this section and, upon payment of such fee and
 33 a showing of compliance with other requirements, shall be entitled to a
 34 renewal or extension of such operator's license for the ensuing license
 35 year.

36 (h) The animal health commissioner shall remit all moneys received
 37 by or for the commissioner under article 15 of chapter 47 of *the* Kansas
 38 Statutes Annotated, and amendments thereto, to the state treasurer in
 39 accordance with the provisions of K.S.A. 75-4215, and amendments
 40 thereto. Upon receipt of each such remittance, the state treasurer shall
 41 deposit the entire amount in the state treasury to the credit of the animal
 42 disease control fund.

43 ~~Sec. 9:~~ **15.** K.S.A. 2017 Supp. 47-1805 is hereby amended to read as

1 follows: 47-1805. (a) Any person operating as a livestock dealer in Kansas
2 shall register with the Kansas department of agriculture division of animal
3 health. Registration shall be made on an application form approved by the
4 animal health commissioner. The application shall be accompanied by the
5 livestock dealer registration fee or renewal fee fixed by the commissioner
6 under subsection (b). If an application for registration or renewal of
7 registration is denied by the commissioner or withdrawn by the applicant,
8 the fee shall not be refunded. Unless renewed under this section, each
9 registration shall expire on ~~the June~~ *September* 30 following the date of
10 issuance.

11 (b) The animal health commissioner shall determine annually the
12 amount of funds ~~which~~ *that* will be required for the administration and
13 enforcement of this section and K.S.A. 47-1806, and amendments thereto,
14 and shall fix and adjust from time to time a livestock dealer registration fee
15 and a renewal fee in such reasonable amounts as may be necessary for
16 such purposes, except that in no case shall either the livestock dealer
17 registration fee or the renewal fee exceed \$75. **Failure to renew such**
18 **license on or before September 30 of each year shall result in a late fee**
19 **not to exceed 40% of the current registration or renewal fee or \$100,**
20 **whichever is less.**

21 (c) The animal health commissioner shall remit all moneys received
22 by or for the commissioner under this section to the state treasurer in
23 accordance with the provisions of K.S.A. 75-4215, and amendments
24 thereto. Upon receipt of each such remittance, the state treasurer shall
25 deposit the entire amount in the state treasury to the credit of the animal
26 disease control fund.

27 ~~Sec. 10. 16.~~ K.S.A. 2017 Supp. 47-2101 is hereby amended to read as
28 follows: 47-2101. (a) It shall be unlawful for any person to possess
29 domesticated deer unless such person has obtained from the animal health
30 commissioner a domesticated deer permit. Application for such permit
31 shall be made in writing on a form provided by the commissioner. The
32 permit period shall be for the permit year ending on ~~June~~ *September* 30
33 following the issuance date.

34 (b) Each application for issuance or renewal of a permit shall be
35 accompanied by a fee of not more than \$400 as established by the
36 commissioner in rules and regulations. **Failure to renew such permit on**
37 **or before September 30 of each year shall result in a late fee not to**
38 **exceed 40% of the current application fee or \$100, whichever is less.**

39 (c) The animal health commissioner shall adopt any rules and
40 regulations necessary to enforce the provisions of article 21 of chapter 47
41 of the Kansas Statutes Annotated, and amendments thereto, ensure
42 compliance with federal requirements and protect domestic animals and
43 wildlife from disease risks related to domestic deer production.

1 (d) Any person who fails to obtain a permit as prescribed in
2 subsection (a) shall be deemed guilty of a class C nonperson misdemeanor
3 and upon conviction shall be punished by a fine not exceeding \$1,000.
4 Continued operation, after a conviction, shall constitute a separate offense
5 for each day of operation.

6 (e) The commissioner may refuse to issue or renew or may suspend
7 or revoke any permit for any one of the following reasons:

8 (1) Material misstatement in the application for the original permit or
9 in the application for any renewal of a permit;

10 (2) the conviction of any crime, an essential element of which is
11 misstatement, fraud or dishonesty, or relating to the theft of or cruelty to
12 animals;

13 (3) substantial misrepresentation;

14 (4) the person who is issued a permit is found to be poaching or
15 illegally obtaining deer; or

16 (5) the permit holder's willful disregard of any rule or regulation
17 adopted under this section.

18 (f) Any refusal to issue or renew a permit and any suspension or
19 revocation of a permit under this section shall be in accordance with the
20 provisions of the Kansas administrative procedure act and shall be subject
21 to review in accordance with the Kansas judicial review act.

22 (g) Each domesticated deer, regardless of age, that enters a premises
23 alive or leaves a premises alive or dead for any purpose, other than for
24 direct movement to a licensed or registered slaughter facility in Kansas,
25 shall have official identification, as prescribed by rules and regulations of
26 the commissioner. Any person who receives a permit issued pursuant to
27 subsection (a) shall keep records of such deer as required by rules and
28 regulations adopted pursuant to this section.

29 (h) (1) The animal health commissioner or the commissioner's
30 representatives may inspect the premises and records of any person issued
31 a domesticated deer permit, but shall not inspect such premises and
32 records more than once each permit year, unless the commissioner has:

33 (A) Discovered a violation of article 21 of chapter 47 of the Kansas
34 Statutes Annotated, and amendments thereto; or

35 (B) received a complaint that such premises is not being operated,
36 managed or maintained in accordance with rules and regulations adopted
37 pursuant to this section.

38 (2) The commissioner or the commissioner's representatives may
39 inspect unlicensed premises when the commissioner has reasonable
40 grounds to believe that a person is violating the provisions of this section.

41 (i) The animal health commissioner, on an annual basis, shall transmit
42 to the secretary of wildlife, parks and tourism a current list of persons
43 issued a permit pursuant to this section. The department of agriculture may

1 request assistance from the department of wildlife, parks and tourism to
2 assist in implementing and enforcing article 21 of chapter 47 of the Kansas
3 Statutes Annotated, and amendments thereto.

4 (j) All moneys received under this section shall be remitted to the
5 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
6 amendments thereto. Upon receipt of each such remittance, the state
7 treasurer shall deposit the entire amount in the state treasury to the credit
8 of the animal disease control fund.

9 (k) As used in this section:

10 (1) "Deer" means any member of the family cervidae.

11 (2) "Domesticated deer" means any member of the family cervidae
12 ~~which~~ *that* was legally obtained and is being sold or raised in a confined
13 area for: (A) Breeding stock; (B) any carcass, skin or part of such animal;
14 (C) exhibition; or (D) companionship.

15 **Sec. 17. K.S.A. 49-623 is hereby amended to read as follows: 49-**
16 **623. (a) The director, with the approval of the commission, shall adopt**
17 **such rules and regulations as necessary to administer and enforce the**
18 **provisions of this act.**

19 (b) **The commission shall determine annually the amount**
20 **necessary to carry out and enforce the provisions of this act for the**
21 **next ensuing fiscal year and shall recommend to the director such**
22 **license renewal, registration application, registration and, registration**
23 **renewal and late fees as the commission determines necessary for that**
24 **purpose. The director shall adopt such fees by rule and regulation.**

25 (c) **Fees for license renewal, registration and registration renewal**
26 **shall be based on an operator's acres of affected land or the tonnage of**
27 **materials extracted by the operator during the preceding license year,**
28 **or a combination thereof.**

29 (d) **Political subdivisions of the state shall be exempt from all fees**
30 **imposed under this act.**

31 ~~Sec. 18.~~ **Sec. 18.** K.S.A. 2017 Supp. 65-691 is hereby amended to read as
32 follows: 65-691. (a) Except as otherwise provided in this section, any
33 license issued under the provisions of this act shall expire on March 31
34 following the date of issuance. Licensees may renew licenses by applying
35 to the secretary on or before the expiration date. Application for renewal of
36 a license shall be made on a form prescribed by the secretary and shall be
37 accompanied by the license fee required for the issuance of an original
38 license. If the secretary refuses to renew any license, the secretary shall
39 give written notice thereof to the licensee. In giving written notice, the
40 secretary shall specify changes necessary for complete compliance with
41 rules and regulations, and the secretary shall state that if compliance is
42 achieved within the time designated then the license shall be renewed. If
43 the licensee fails to achieve complete compliance within the prescribed

1 time, the secretary, after notice and an opportunity for a hearing in
2 accordance with the Kansas administrative procedure act, shall deny the
3 application for a license. If for any reason, a licensee fails to renew a
4 license prior to the expiration date, the licensee may obtain a renewal of
5 such license within 30 days following the expiration date. In order to
6 renew a license during this thirty-day period, the licensee must comply
7 with the foregoing provisions of this section and pay a ~~\$25 late fee equal~~
8 ~~to~~ **not to exceed 40% of the current license fee or \$100, whichever is less.**
9 If the licensee does not renew within the thirty-day period, then the license
10 is treated as expired, and the licensee must apply for a new license.

11 (b) (1) The secretary shall inspect or cause to be inspected every
12 licensed food establishment or food processing plant in this state. If upon
13 inspection, the secretary determines that a food establishment or food
14 processing plant does not comply with rules and regulations, the secretary
15 shall give written or electronic notice to the owner, proprietor, or agent in
16 charge of such food establishment or food processing plant. In giving
17 notice, the secretary shall specify changes necessary for complete
18 compliance, and the secretary shall designate a time period for achieving
19 compliance. The prescribed time period shall not be less than 10 days,
20 unless the secretary believes time is essential to protect public health and
21 safety. If time is essential to protect public health and safety, the secretary
22 may designate a shorter period for compliance. Also, in giving notice, the
23 secretary shall state that if compliance is not achieved within the time
24 prescribed, the license for the food establishment or food processing plant
25 shall be subject to suspension or revocation.

26 (2) When a licensee of any food establishment or food processing
27 plant receives notice of noncompliance, the licensee may apply to the
28 secretary to extend the time period for achieving compliance. Upon review
29 of any such application, the secretary may deny the application or the
30 secretary may modify the time period for compliance.

31 (3) After the secretary has issued the notice of noncompliance, the
32 secretary may inspect to determine if the food establishment or food
33 processing plant has achieved compliance within the prescribed time. If
34 the food establishment or food processing plant is noncompliant, the
35 secretary, after providing notice and an opportunity for a hearing in
36 accordance with the provisions of the Kansas administrative procedure act,
37 may suspend or revoke the issued license.

38 (c) If after providing notice and an opportunity for a hearing in
39 accordance with the provisions of the Kansas administrative procedure act,
40 the secretary determines that any person has engaged in or is engaging in
41 any act or practice constituting a violation of any provision of this act, or
42 any rules and regulations or order issued thereunder, the secretary may
43 require that such person cease and desist from the unlawful act or practice.

1 The secretary may take such affirmative action when in the secretary's
2 judgment affirmative action carries out the purposes of the violated or
3 potentially violated provision of this act or rules and regulations or order
4 issued thereunder.

5 (d) Any party aggrieved by a final order of the secretary made under
6 this section may appeal such order to the district court in the manner
7 provided by the Kansas judicial review act.

8 **Sec. 19. K.S.A. 2017 Supp. 65-778 is hereby amended to read as**
9 **follows: 65-778. (a) Any person who engages in business as a dairy**
10 **manufacturing plant shall first apply for and obtain a dairy**
11 **manufacturing plant license from the secretary and shall pay a license**
12 **fee of \$120, or commencing July 1, 2002, and ending June 30, 2023, a**
13 **license fee of \$200.**

14 (b) Any person who engages in business as a distributor of milk,
15 milk products or dairy products shall first apply for and obtain a milk
16 distributor license from the secretary and shall pay a license fee of
17 \$120, or commencing July 1, 2002, and ending June 30, 2023, a license
18 fee of \$200. No milk distributor license shall be required for a licensed
19 dairy manufacturing plant which distributes only those products
20 which it manufactures.

21 (c) Any person who engages in business as a milk hauler shall
22 first apply for and obtain a milk hauler license from the secretary and
23 shall pay a license fee of \$25 or commencing July 1, 2002, and ending
24 June 30, 2023, a license fee of \$35. As part of the application, the
25 secretary may require the applicant to be tested regarding proper
26 procedures for sampling, testing and weighing milk or cream and state
27 laws and rules and regulations.

28 (d) Any person who operates a milk or cream transfer station or
29 milk or cream receiving station shall first apply for and obtain a milk
30 or cream station license from the secretary and shall pay a license fee
31 of \$50, or commencing July 1, 2002, and ending June 30, 2023, a
32 license fee of \$100.

33 (e) Any person who engages in business as a manufacturer of
34 single service dairy containers or manufacturer of single service dairy
35 container closures shall first apply for and obtain a single service
36 manufacturing license from the secretary and shall pay a license fee of
37 \$50, or commencing July 1, 2002, and ending June 30, 2023, a license
38 fee of \$100.

39 (f) Any person who operates a milk tank truck cleaning facility
40 shall first apply for and obtain a milk tank truck cleaning facility
41 license from the secretary and shall pay a license fee of \$100.

42 (g) Any license issued under this section shall be renewed
43 annually. *The failure of any licensee to renew a license according to the*

1 *provisions of subsection (h) shall be required to pay a late fee not to*
2 *exceed 40% of the current license fee or \$100, whichever is less.*

3 **(h) The dairy manufacturing plant license, milk distributor**
4 **license, milk tank truck cleaning facility license, milk or cream station**
5 **license and single service manufacturing license shall expire on**
6 **December 31 of the year for which it was issued unless suspended or**
7 **revoked by the secretary pursuant to this act. The milk hauler license**
8 **shall expire on June 30 following the date of issuance unless suspended**
9 **or revoked by the secretary pursuant to this act.**

10 **(i) No license issued under this section shall be transferable. No**
11 **license shall be renewed if any assessments or fees required under this**
12 **act are delinquent.**

13 **(j) Each applicant for a license or for the renewal of such license**
14 **shall submit an application on a form supplied by the secretary**
15 **accompanied by the license fee. All licenses shall be conspicuously**
16 **displayed in the applicant's place of business.**

17 **(k) The secretary shall reduce any license fee in subsections (a)**
18 **through (f) by adopting rules and regulations whenever the secretary**
19 **determines that such fee is yielding more than is necessary for**
20 **administering the provisions of this act. The secretary may increase**
21 **any license fee in subsections (a) through (f) by adopting rules and**
22 **regulations when such license fee is necessary to produce sufficient**
23 **revenues for administering the provisions of this act. License fees in**
24 **subsection (a) through (f) shall not be increased in excess of the**
25 **maximum amounts provided in this section.**

26 **Sec. 20. K.S.A. 2017 Supp. 74-576 is hereby amended to read as**
27 **follows: 74-576. In addition to the specific powers and duties**
28 **conferred upon the secretary of agriculture by the laws of this state,**
29 **the secretary is hereby authorized to:**

30 **(a) Make and enter into contracts and agreements necessary or**
31 **incidental to the execution of the laws relating to the department of**
32 **agriculture;**

33 **(b) charge and collect, by order, a fee necessary for the**
34 **administration and processing of paper documents, including**
35 **applications, registrations, permits, licenses, certifications, renewals,**
36 **reports and remittance of fees that are necessary or incidental to the**
37 **execution of the laws relating to the department of agriculture, when**
38 **an electronic system for processing such documents exists. Such fee**
39 **shall be in addition to any fee the secretary is authorized to charge by**
40 **law and may be up to 6% of such applicable fee amount, but shall not**
41 **exceed \$50; and**

42 **(c) charge and collect, pursuant to rules and regulations adopted by**
43 **the secretary, a late fee for any license, permit or registration required by**

1 *the laws relating to the department of agriculture that is not renewed prior*
2 *to the expiration of such license, permit or registration. Any such adopted*
3 *late fee shall not exceed 40% of the current applicable license, permit or*
4 *registration fee or \$100, whichever is less; and*

5 **(d) foster and promote the development and economic welfare of**
6 **the agricultural industry of the state.**

7 **Sec. 21. K.S.A. 2017 Supp. 83-302 is hereby amended to read as**
8 **follows: 83-302. (a) (1) Each person, other than an authorized**
9 **representative of the secretary or an authorized representative of a**
10 **city or county department of public inspection of weights and**
11 **measures established pursuant to K.S.A. 83-210, and amendments**
12 **thereto, desiring to operate and perform testing and other services as**
13 **a company in Kansas shall apply to the secretary for a service**
14 **company license, on a form to be supplied by the secretary, and shall**
15 **obtain such license from the secretary before operating and**
16 **performing testing or other services as a service company. Each**
17 **service company shall obtain a license for each place of business**
18 **maintained in Kansas and shall pay a license application fee of \$50.**

19 **(2) Beginning with the 2017 license year, the secretary may, by**
20 **order, set the license application fee, not to exceed the maximum fee**
21 **stated herein:**

22 **(A) Commencing July 1, 2017, the license application fee shall not**
23 **exceed \$100.**

24 **(B) Commencing July 1, 2019, the license application fee shall not**
25 **exceed \$110.**

26 **(C) Commencing July 1, 2021, the license application fee shall not**
27 **exceed \$120.**

28 **(D) Commencing July 1, 2023, and thereafter, the license**
29 **application fee shall not exceed \$130.**

30 **(3) Each service company license shall expire on June 30**
31 **following issuance, shall be void unless renewed prior to the expiration**
32 **and shall not be transferable. The license renewal fee shall be equal to**
33 **the license application fee as provided in this section for each place of**
34 **business. Any license renewal fee received by the secretary on or after**
35 **July 1 of each year shall be accompanied by a late fee not to exceed 40%**
36 **of the license renewal fee or \$100, whichever is less.**

37 **(b) If any service company maintains any out-of-state places of**
38 **business which the company operates in serving Kansas patrons, the**
39 **service company seeking to obtain or renew a license under this**
40 **section shall list in the application such places of business and the firm**
41 **names under which the company operates at each such place of**
42 **business. If any out-of-state place of business is established by a**
43 **service company after being licensed under this section, the licensee**

1 shall supply such information to the secretary before any work is
2 performed in Kansas from such out-of-state location. Each
3 nonresident service company shall designate a resident agent upon
4 whom service of notice or process may be made to enforce the
5 provisions of chapter 83 of the Kansas Statutes Annotated, and
6 amendments thereto, or any liabilities arising from operations
7 thereunder. Each nonresident service company which maintains no
8 established place of business in Kansas shall obtain a license under
9 this section for each out-of-state place of business and shall list on the
10 application the firm name or names for each place of business from
11 which the service company intends to operate.

12 (c) (1) Each technical representative shall be licensed annually by
13 the secretary. Except as provided in paragraph (2), each technical
14 representative shall be required to attend continuing education
15 seminars on an annual basis as required by rules and regulations
16 adopted by the secretary and to pass a reasonable examination
17 prescribed by the secretary each year prior to being licensed. Each
18 technical representative's license shall expire on June 30 following the
19 issuance of the license and shall be void unless renewed prior to the
20 expiration.

21 (2) Beginning on July 1, 2017, each technical representative who
22 has had 10 years of continuous licensure with no administrative
23 enforcement action adjudicated against such technical representative
24 during such 10-year period shall be eligible to obtain a three-year
25 license. The secretary shall implement, by order, the fee for such
26 three-year license, which shall be an amount not to exceed \$300. Each
27 technical representative holding a three-year license shall be required
28 to complete continuing education as described in subsection (c)(1) at a
29 frequency not to exceed once per three-year period. The secretary may
30 promulgate rules and regulations to require any technical
31 representative who has been adjudicated in violation of this act or any
32 rules and regulations promulgated by the secretary, to seek renewal of
33 a license on an annual basis and may establish criteria for
34 reinstatement of eligibility for a three-year license.

35 (3) The department of agriculture is authorized to charge a fee to
36 the attendees of continuing education seminars sponsored by the
37 department. The amount of such fee shall be no more than is
38 necessary to cover the expenses incurred by providing the seminar.

39 (d) No service company license may be issued or renewed under
40 this section until the applicant's weights or measures, or both have
41 been tested for accuracy and sealed by the secretary. The secretary is
42 authorized to accept a certification of the accuracy of the applicant's
43 weights or measures issued by the national institute of standards and

1 technology or by a weights and measures laboratory certified by the
2 national institute of standards and technology in lieu of a test by the
3 secretary, if such certificate shows that the weights or measures have
4 been tested within the last 365 days preceding the license application.

5 (e) The secretary shall remit all moneys received under this
6 section to the state treasurer in accordance with the provisions of
7 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
8 remittance, the state treasurer shall deposit the entire amount in the
9 state treasury to the credit of the weights and measures fee fund.

10 Sec. 22. K.S.A. 2017 Supp. 83-402 is hereby amended to read as
11 follows: 83-402. (a) (1) Each person, other than an authorized
12 representative of the secretary or an authorized representative of a
13 city or county department of public inspection of weights and
14 measures established pursuant to K.S.A. 83-210, and amendments
15 thereto, desiring to operate and perform testing and other services as
16 a service company in Kansas shall apply to the secretary for a service
17 company license, on a form to be supplied by the secretary, and shall
18 obtain such license from the secretary before operating and
19 performing testing or other services as a service company. Each
20 service company shall obtain a license for each place of business
21 maintained in Kansas and shall pay a license application fee of \$50.

22 (2) Beginning with the 2017 license year, the secretary may, by
23 order, set the license application fee, not to exceed the maximum fee
24 stated herein:

25 (A) Commencing July 1, 2017, the license application fee shall not
26 exceed \$100.

27 (B) Commencing July 1, 2019, the license application fee shall not
28 exceed \$110.

29 (C) Commencing July 1, 2021, the license application fee shall not
30 exceed \$120.

31 (D) Commencing July 1, 2023, and thereafter, the license
32 application fee shall not exceed \$130.

33 (3) Each service company license shall expire on June 30
34 following issuance, shall be void unless renewed prior to the expiration
35 and shall not be transferable. The license renewal fee shall be equal to
36 the license application fee as provided in this section for each place of
37 business. *Any license renewal fee received by the secretary on or after*
38 *July 1 of each year shall be accompanied by a late fee not to exceed 40%*
39 *of the license renewal fee or \$100, whichever is less.*

40 (b) If any service company maintains any out-of-state places of
41 business which the service company operates in serving Kansas
42 patrons, the service company seeking to obtain or renew a license
43 under this section shall list in the application such places of business

1 and the firm names under which the service company operates at each
2 such place of business. If any out-of-state place of business is
3 established by a service company after being licensed under this
4 section, the licensee shall supply such information to the secretary
5 before any work is performed in Kansas from such out-of-state
6 location. Each nonresident service company shall designate a resident
7 agent upon whom service of notice or process may be made to enforce
8 the provisions of chapter 83 of the Kansas Statutes Annotated, and
9 amendments thereto, or any liabilities arising from operations
10 thereunder. Each nonresident service company which maintains no
11 established place of business in Kansas shall obtain a license under
12 this section for each out-of-state place of business and shall list on the
13 application the firm name or names for each place of business from
14 which the service company intends to operate.

15 (c) (1) Each technical representative shall be licensed annually by
16 the secretary. Except as provided in paragraph (2), each technical
17 representative shall be required to attend continuing education
18 seminars on an annual basis as required by rules and regulations
19 adopted by the secretary and to pass a reasonable examination
20 prescribed by the secretary each year prior to being licensed. Each
21 technical representative's license shall expire on June 30 following the
22 issuance of the license and shall be void unless renewed prior to the
23 expiration.

24 (2) Beginning on July 1, 2017, each technical representative who
25 has had 10 years of continuous licensure with no administrative
26 enforcement action adjudicated against such technical representative
27 during such 10-year period shall be eligible to obtain a three-year
28 license. The secretary shall implement, by order, the fee for such
29 three-year license, which shall be an amount not to exceed \$300. Each
30 technical representative holding a three-year license shall be required
31 to complete continuing education as described in subsection (c)(1) at a
32 frequency not to exceed once per three-year period. The secretary may
33 promulgate rules and regulations to require any technical
34 representative who has been adjudicated in violation of this act or any
35 rules and regulations promulgated by the secretary, to seek renewal of
36 a license on an annual basis and may establish criteria for
37 reinstatement of eligibility for a three-year license.

38 (3) The Kansas department of agriculture is authorized to charge
39 a fee to the attendees of continuing education seminars sponsored by
40 the department. The amount of such fee shall be no more than is
41 necessary to cover the expenses incurred by providing the seminar.

42 (d) No service company license may be issued or renewed under
43 this section until the applicant's weights or measures, or both, have

1 **been tested for accuracy and sealed by the secretary. The secretary is**
2 **authorized to accept a certification of the accuracy of the applicant's**
3 **weights or measures issued by the national institute of standards and**
4 **technology or by a weights and measures laboratory certified by the**
5 **national institute of standards and technology in lieu of a test by the**
6 **secretary, if such certificate shows that the weights or measures, or**
7 **both, have been tested within the last 365 days preceding the license**
8 **application.**

9 **(e) The secretary shall remit all moneys received under this**
10 **section to the state treasurer in accordance with the provisions of**
11 **K.S.A. 75-4215, and amendments thereto. Upon receipt of each such**
12 **remittance, the state treasurer shall deposit the entire amount in the**
13 **state treasury to the credit of the weights and measures fee fund.**

14 ~~Sec. 23.~~ **23.** K.S.A. 47-1208 **and 49-623** and K.S.A. 2017 Supp. 2-
15 **1014, 2-1421a,** 2-2120, 2-2440, 2-2440b, **2-2445a, 2-2446, 2-2469, 2-**
16 **2805,** 2-2905, 36-505, 47-1001e, 47-1503, 47-1805, 47-2101 ~~and,~~ 65-691,
17 **65-778, 74-576, 83-302 and 83-402** are hereby repealed.

18 ~~Sec. 24.~~ **24.** This act shall take effect and be in force from and after
19 its publication in the Kansas register.