

SESSION OF 2005

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2341

As Amended by Senate Committee on
Agriculture

Brief*

HB 2341 would add a new section to the Kansas Fertilizer Law to provide for uniform state regulation of the sale and use of fertilizers in Kansas. This would include the provisions relating to the storage and the transportation of fertilizers. No local authority could enact or enforce any law, ordinance, rule, regulation, or resolution in conflict with, in addition to, or supplemental to, the provisions of the Kansas Fertilizer Law. Any law, ordinance, rule, regulation, or resolution in conflict with, in addition to, or supplemental to the provision of the Kansas Fertilizer Law would be declared to be invalid and of no effect, thus giving the state jurisdiction with regard to the regulation of fertilizers. In addition, nothing in the bill would be construed to preempt or otherwise limit the authority of any city, county, or political subdivision to adopt and enforce zoning regulation, fire codes, or hazardous waste disposal restrictions.

In addition, the bill would make uniform throughout the state the regulation of agricultural seed in the same manner as the bill would for fertilizer. This uniform application would apply to, but not be limited to, the sale, use, planting, production, advertising, distribution, storage, transportation, formulation, packaging, labeling, certification or registration of agricultural seed. This provision would be a part of the Kansas Seed Law.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

This bill was introduced at the request of a spokesperson from the Kansas Agribusiness Retailers Association. At the hearing on the bill, a spokesperson from this association indicated that the bill was modeled after a similar statute in the Kansas Pesticide Law. The conferee indicated that there were no known problems in Kansas but that in Wisconsin the city council of Madison had outlawed anything that contained more than a trace amount of phosphorus. The conferee argued that fertilizer can and should be regulated at the state and federal level to avoid the possibility of having a confusing patchwork of regulations throughout the state. Also appearing in support of the bill were representatives of the Kansas Department of Agriculture, the Kansas Cooperative Council, and the Kansas Agricultural Aviation Association. There were no opponents to the bill.

The House Committee on Agriculture amended the bill to cite example of uniformity in the statute such as in the areas of storage and transportation. Further, the Committee amended the bill to provide that nothing in the bill would be construed to preempt or otherwise limit the authority of any city, county, or political subdivision to adopt and enforce zoning regulation, fire codes, or hazardous waste disposal restrictions.

The Senate Committee on Agriculture amended the bill to make uniform the regulation of agricultural seed throughout the state by the Kansas Department of Agriculture.

The fiscal note on the original bill indicates that there would be no fiscal impact.