

Approved: 3-28-94
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson David Corbin at 10:12 a.m. on March 22, 1994 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes
Lila McClaflin, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Chairperson Corbin opened committee discussion on HB 3025 - concerning agriculture; relating to fertilizers. He called on Staff for a review of the legislation. Staff said the bill authorizes the Secretary of the Board of Agriculture to set rules and regulations for the issuance of stop sale or stop use orders involving bulk fertilizer and fertilizer containment facilities.

Senator Morris moved to pass HB 3025. Motion was seconded by Senator Downey. Motion carried.

Chairperson Corbin called on Staff to brief the Committee concerning the power, authority and duties of the Secretary of Agriculture, and the duties of the different offices within the Department. Staff's memo is attached (Attachment 1). Staff responded to questions regarding the Department. It was suggested that this should be studied during the interim.

A motion was made by Senator Saltee to adopt the minutes of March 15, 16 and 17. Motion was seconded by Senator Frahm. Motion carried.

The Chairman said he did not intend for the Committee to meet again this session, and he thanked the Committee for a good year.

The meeting adjourned at 10:33 a.m.

GUEST LIST

COMMITTEE: Senate Agriculture

DATE: 3-22-94

NAME	ADDRESS	ORGANIZATION
Russ FREY	Topeka	KVMA
Joe Lieber	" "	Ks Coop Council
Mike Beam	"	Ks. LUSTK. ASSN
Marty Vanier	Manhattan	KAA
Arlan Holmes	Topeka	Div of Budget
LARRY D. WOODSON	Topeka	Ks DEPT OF Ag.
Matt Jordan	"	Gov's Office
Jim Allen	"	Seaboard
Jamie Clover Adams	Topeka	KFCA / KGFA
Kenneth M. Wilke	Topeka	Ks Dept of Ag
Bobbi Luck	Coldwater	
SUSAN PETERSON	Manhattan	KANSAS STATE
Rhonda Murphy	Holyrood	USD #328 Close Up Kansas
Steve Joyce	Dexter	USD 471 Close Up
Clinton Drake	Dexter	Ark City FFA
Clay Murphree	Dexter	Close-Up
Kimberly A. Perkins	Lorraine	Close-Up
Regina Hunter	Lyons	Close-Up
Melinda L. Mousen	Dexter	Close-up
Robert Taylor	Meade	Close-Up

MEMORANDUM

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March 25, 1994

To: Senator David Corbin
From: Raney Gilliland, Principal Analyst
Re: Authority of the State Board of Agriculture, Secretary, and Others Within the Agency

The following memorandum reviews some of the history and evolution of the Kansas State Board of Agriculture and describes the authority of the agency.

BACKGROUND

The Kansas State Board of Agriculture had its origin in the Kansas Agricultural Society. The first Kansas Agricultural Society was organized in 1857 in Topeka. The purpose of the Society was to promote the improvement of agriculture throughout the State of Kansas. As part of its functions, the Society conducted state fairs and published statistical information. In 1862, the purpose of the Society, as set forth in the statute and its own constitution, was "to promote the improvement of agriculture in Kansas." From this time until the next significant change in 1872, the Kansas Agricultural Society held state fairs and annual meetings and published statistical information used for the betterment of agriculture in Kansas.

In 1872, the Kansas Agricultural Society's executive committee became the Kansas State Board of Agriculture. The desire for additional financial support led the movement for status as a regular governmental agency. Also at this time, the Legislature provided offices in the Capitol for the Board and appropriated \$35,000 to pay the cost of awards at the state fairs. Beginning in 1874, it became legislative policy to grant annual appropriations to the State Board of Agriculture. The main activities of the Board, at this time, were promotion of immigration to Kansas and education of farmers in improving farming techniques.

The 1873 Legislature amended the law to require that crop reports be made by the organizations permitted to send delegates to the annual meetings as a prerequisite for participation. Since that time, the Secretary of the Board has been directly involved in the collection and compilation of this data.

By the early 1900s, a need for some appropriate body or agency to administer regulation involving agriculture had become apparent. The Board, however, had neither the appropriate facilities

*Senate Ag. Co.
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attachment 1*

nor the necessary staff to inspect feed, commercial fertilizer, livestock remedies, and other such commodities used by farmers. Thus, the Legislature assigned these duties to the Kansas Experiment Station in 1907.

As was the case in Kansas, experiment stations throughout the country were established under the direction of the land-grant institutions in each of the states or territories by the Hatch Act of 1887. By law, part of their duties were to promote scientific investigations and experiments on the principles and applications of agricultural science. In this respect, the Experiment Station at Kansas State College was much better equipped than the State Board of Agriculture to handle the regulatory duties.

Even though the Kansas Legislature had turned regulatory functions over to the Experiment Station, it continued to officially assign them to both the Experiment Station and the State Board of Agriculture. By 1919, duplication of the activities of the two bodies had become a problem. It eventually became general state policy for colleges to administer educational extension work and for the State Board of Agriculture to administer regulatory functions. As a result, the process of turning agriculturally related regulatory functions over to the State Board of Agriculture began at this time.

CURRENT AUTHORITY OF THE SECRETARY, BOARD, DIVISION HEADS

Although currently under challenge in the courts, the State Board of Agriculture through the years has gained additional responsibility in administration of various laws of the state. With these responsibilities came powers, duties, and responsibilities for the Board, the Secretary and others housed within the agency. However, the Legislature was not always consistent in who the authority was vested. For example, both the Board and the Secretary were given authority to promulgate rules and regulations. The discrepancies in authority or responsibility may be reflective of a conscious decision of lawmakers to give this authority to the Board or to the Secretary. It may be only circumstantial. Nonetheless, statutes are not consistent in who such authority is granted.

An additional player in the role of authority is that of Chief Engineer of the Division of Water Resources. Numerous statutes give authority to the Chief Engineer to perform various functions. Others with some authority within the agency include the Dairy Commissioner and the State Sealer of Weights and Measures.

Under current law, the Secretary of the State Board of Agriculture has the general responsibility of administering the seven divisions of the State Board of Agriculture. Those divisions are as follows: the Central Office; the Inspection Division; the Marketing Division; the Water Resources Division; the Plant Health Division; the Laboratory Division; and the Statistical Division. The Statistical Division is operated in conjunction with the National Agricultural Statistics Service of the United States Department of Agriculture. In addition, the agency is responsible for the administration of the Farmers Assistance, Counseling and Training Service (FACTS).

The following describes the authorities granted under statutes to administer the laws under the general jurisdiction of the State Board of Agriculture.

CENTRAL OFFICE

The Central Office of the State Board of Agriculture is composed of the Secretary, the Assistant Secretary, the Chief Legal Counsel, and several other administrative and clerical positions. The Central Office is responsible for the administration of the following laws.

1. County Fair Laws -- K.S.A. 2-125 *et seq.*

Duties of Secretary:	None
Duties of Board:	None
Rules and Regulations:	None
Adopted by Whom:	
Administrative Remedies:	Forfeiture of recognition by KSBA if fair not held. See K.S.A. 2-137

2. Windblown Dust and Soil Erosion Act -- K.S.A. 2-2001 *et seq.*

Duties of Secretary:	Collect information and data regarding soil erosion, plant or weed blowing and dust storms and practical methods for preventing or minimizing these problems and make this information available to the counties, the Legislature, and the public. (K.S.A. 2-2003)
Duties of Board:	None
Duties of Other Enforcing Official:	County commissions report information to the Secretary. They also may order landowners within the county to disc land to prevent blowing dust or soil. (K.S.A. 2-2004, 2-2006, and 2-2008).
Rules and Regulations:	None
Adopted by Whom:	
Administrative Remedies:	None as to KSBA

3. Annual Meeting -- K.S.A. 74-502 *et seq.*

Duties of Secretary:	Prepare a program of speakers and information of value to the state's agricultural industry for the annual meeting. The annual meeting lasts no longer than three days and must be in session in Topeka on the second Wednesday of January each year.
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Duties of Board: Meet with the delegates to elect the Board of agriculture. Also elect officers and organize for the coming year. Board members are elected for terms of three years.

Rules and Regulations: None

4. Miscellaneous Statutes -- K.S.A. 74-505 *et seq.*

Duties of Secretary: Authorized to accept affidavits in lieu of verified reports under Commercial Feeding Stuffs (K.S.A. 2-1001 *et seq.*), Fertilizer (K.S.A. 2-1201 *et seq.*) and Egg (K.S.A. 2-2501 *et seq.*) programs. (K.S.A. 74-505c)

Duties of Board: Agency office must be located in Topeka. (K.S.A. 74-505) K.S.A. 74-505b authorizes permanent status for employees after six months.

Duties of Other Enforcing Official: None

Rules and Regulations: None

Adopted by Whom:

5. Emergency Farm Credit Relief Act -- K.S.A. 74-541 *et seq.*

Duties of Secretary: Authorized to enter into contracts for the purposes of the Act.

Duties of Board: Coordinate with nonprofit associations of bankers and lenders whose members volunteer to assist in counselling borrowers in processing Federal Farm Home Administration loan applications.

Duties of Other Enforcing Official: None

Rules and Regulations: None

Adopted by Whom:

Administrative Remedies: None

6. FACTS Program -- K.S.A. 74-544 *et seq.*

Duties of Secretary:	Provide a farm assistance, counseling, and training referral program, a rural opportunity program, and a mediation program. These programs provide resources and referrals for farm management, financial planning, legal services, employment services, business planning, voluntary mediation, and both family and personal support counseling to farmers. (K.S.A. 74-545)
Duties of Board:	None
Rules and Regulations:	None
Adopted by Whom:	N/A
Administrative Remedies:	None

7. Contracts and Grants -- K.S.A. 74-550

Duties of Secretary:	The Secretary may apply for, receive, and administer federal funds and may enter into contracts with the federal government and its agencies and with other state agencies.
Duties of Board:	None
Duties of Other Enforcing Official:	None
Rules and Regulations:	None
Adopted by Whom:	N/A
Administrative Remedies:	N/A

8. Miscellaneous Personnel Statutes -- K.S.A. 74-505b and 75-3149 *et seq.*

Duties of Secretary:	Authorizes hiring assistants and employees for KSBA and places secretary in unclassified service.
Duties of Board:	None
Duties of Other Enforcing Official:	None
Rules and Regulations:	None
Adopted by Whom:	N/A

9. Annual Report and Publications – K.S.A. 74-504

Duties of Secretary:	None
Duties of Board:	Publish an annual report of the condition of agriculture in the state and other related information.
Rules and Regulations:	None (K.A.R. 4-25-1 now revoked).
Adopted by Whom:	
Administrative Remedies:	None

INSPECTIONS DIVISION

This Division is responsible for the administration of various laws that impact a wide variety of products and services. The Division is divided into four offices, the Office of Control, the Office of Meat and Poultry, the Office of Dairy, and the Office of Weights and Measures. Prior to administrative reorganization, there were divisions on dairy, control, and weights and measures, and meat and poultry inspection. Those divisions were administratively combined in 1984. The Division of Inspections is divided into the offices of the former divisions except for the Egg Inspection Statutes which were administered by the Division of Markets. In addition, some of the laws became administered by new offices. No statutory recognition of the administrative reorganization was ever considered by the Legislature.

Although no statutory authority exists for the establishment of a Dairy Division, there is statutory authority for the appointment of a Dairy Commissioner (K.S.A. 75-1401).

In addition, limited authority is given to the State Sealer of Weights and Measures in such areas as the suspension of certain licenses, *e.g.* K.S.A. 83-308.

The following outlines the various laws administered by each office of this Division.

Office of ACAP (Agricultural Commodities Assurance Program)

1. Commercial Feeding Stuffs Act – K.S.A. 2-1001 *et seq.*

Duties of Secretary:	Register labels for commercial feeding stuffs (K.S.A. 2-1003, 2-1004 and 2-1006), provide for inspection and analysis of such feeding stuffs (on behalf of the Board administer the program). (K.S.A. 2-1008 etc.)
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Duties of Board:	Primarily to set the inspection fee pursuant to K.S.A. 2-1004a. In sections such as K.S.A. 2-1008, the term "board" is used in the context of the agency and not the twelve members themselves.
Rules and Regulations:	K.A.R. 4-3-1 <i>et seq.</i> (K.S.A. 2-1004a and 2-1013)
Adopted by Whom:	Secretary (K.S.A. 2-1013) Board (2-1004a)
Administrative Remedies:	Stop sale and related orders. (K.S.A. 2-1008)

2. Commercial Fertilizer Act -- K.S.A. 2-1201 *et seq.*

Duties of Secretary:	Register, inspect, analyze, and regulate fertilizers in Kansas. (K.S.A. 2-1202, 2-1206, and 2-1207)
Duties of Board:	Set the tonnage inspection fee within legislatively established parameters pursuant to K.S.A. 2-1205.
Rules and Regulations:	K.A.R. 4-4-1 <i>et seq.</i> (K.S.A. 2-1205 and 2-1210)
Adopted by Whom:	Board as to inspection fee (K.S.A. 2-1205) Secretary as to any regulations necessary to carry out the Act. (K.S.A. 2-1210)
Administrative Remedies:	Stop sale and related orders issued by the Secretary or duly authorized representative. (K.S.A. 2-1206)

3. Fertilizer Research Fund -- K.S.A. 2-1221

Duties of Secretary:	None
Duties of Board:	None
Duties of Other Enforcing Official:	None
Purpose of Act:	Create the Fertilizer Research Fund.
Rules and Regulations:	None
Adopted by Whom:	

4. Fertilizer Containment Act -- K.S.A. 2-1226 *et seq.*

Duties of Secretary: Inspect facilities and equipment for storage and handling of fertilizer stored in bulk and approve permits for construction of or substantial alteration of such facilities and equipment. (K.S.A. 2-1228 and 2-1229).

Duties of Board: Adopt rules and regulations regarding safe handling and storage of fertilizer materials in bulk, minimum design standards for such facilities, and other related matters. (K.S.A. 2-1227)

Rules and Regulations: K.A.R. 4-4-900 *et seq.* (K.S.A. 2-1227)

Adopted by Whom: Board

5. Agricultural Seed Act -- K.S.A. 2-1415 *et seq.*

Duties of Secretary: Inspect, test, and regulate agricultural seed sold for seeding purposes. (K.S.A. 2-1423) Also to register seed dealers. (K.S.A. 2-1421a)

Duties of Board: Adopt rules and regulations necessary for the administration and enforcement of the Act. (K.S.A. 2-1427)

Duties of Other Enforcing Official: None

Rules and Regulations: K.A.R. 4-2-1 *et seq.* (K.S.A. 2-1427)

Adopted by Whom: Board

Administrative Remedies: Stop sale and related orders issued by the Secretary. (K.S.A. 2-1423)

6. Kansas Soil Amendment Act -- K.S.A. 2-2801 *et seq.*

Duties of Secretary: Register and inspect soil amendments sold in Kansas (K.S.A. 2-2805 and 2-2810) and administer the Act. (K.S.A. 2-2802)

Duties of Board: Establish the inspection fee within legislatively established parameters. (K.S.A. 2-2805)

Duties of Other Enforcing Official: None

Rules and Regulations: K.S.A. 2-2805 and 2-2811

Adopted by Whom: Board

Administrative Remedies: Refusal to register product or revoke registration. (K.S.A. 2-2812) Stop sale and related orders issued by the Secretary (K.S.A. 2-2807)

7. Agricultural Liming Materials Act -- K.S.A. 2-2901 *et seq.*

Duties of Secretary: Administer the act. (K.S.A. 2-2901) This includes registration of sellers of agricultural lime and inspection of the product. (K.S.A. 2-2903, 2-2905, and 2-2907)

Establish inspection fee within legislatively established parameters. (K.S.A. 2-2906)

Duties of Board: None

Rules and Regulations: K.A.R. 4-5-1 *et seq.* (K.S.A. 2-2910)

Adopted by Whom: Secretary

8. Livestock Remedies Act -- K.S.A. 47-501 *et seq.*

Duties of Secretary: Register, inspect, and regulate livestock remedies (over the counter medicines for livestock not veterinarian prescriptions). (K.S.A. 47-502, 47-504, and 47-507)

Duties of Board: Set livestock remedy fee within legislatively established parameters. (K.S.A. 47-504)

Duties of Other Enforcing Official: None

Rules and Regulations: K.A.R. 4-18-1 (K.S.A. 47-504 and 47-505)

Adopted by Whom: Board

Administrative Remedies: Refusal or cancellation of registration. (K.S.A. 47-505 and 47-509) Stop sale and related orders issued by the Secretary. (K.S.A. 47-507)

9. Egg Law -- K.S.A. 2-2501 *et seq.*

Duties of Secretary: Inspect, register, and regulate persons who sell eggs in Kansas. (K.S.A. 2-2504)

Duties of Board: None

Duties of Other Enforcing Official: None

Rules and Regulations: K.A.R. 4-11-1 *et seq.* (K.S.A. 2-2504)

Adopted by Whom: Board -- Board also sets egg inspection fee within legislatively established parameters. (K.S.A. 2-2507)

10. Anhydrous Ammonia Safety Act -- K.S.A. 2-1212 *et seq.*

Duties of Secretary: Inspect facilities and equipment used in the storage, handling, and transportation of anhydrous ammonia. (K.S.A. 2-1216)

Duties of Board: Adopt rules and regulations for the safe storage handling and storage of anhydrous ammonia. (K.S.A. 2-1212)

Duties of Other Enforcing Official: None

Rules and Regulations: K.A.R. 4-10-1 *et seq.* (K.S.A. 2-1212)

Adopted by Whom: Board

Administrative Remedies: Stop sale, Stop use and related orders issued by the Secretary or a duly authorized representative. (K.S.A. 2-1222)

Office of Dairy Inspection

1. Dairy Laws -- K.S.A. 65-701 *et seq.*

Duties of Secretary: None

Duties of Board: Administer through the dairy commissioner the provisions of the act. (K.S.A. 65-720o)

Duties of Other Enforcing Official:

Dairy Commissioner: Insure that milk and milk products are not adulterated; sample and analyze milk and milk products etc. K.S.A. 65-701 and 65-702).
Licensing (K.S.A. 65-704)
Inspection fees (K.S.A. 65-708)
The Act (K.S.A. 65-716)

Rules and Regulations: K.A.R. 4-7-2 *et seq.*, 4-7-213 *et seq.* (K.S.A. 65-720n, 65-720o and K.S.A. 75-1401)

Adopted by Whom: Board

Administrative Remedies: Cease and desist, stop sale and related orders issued by Dairy Commissioner (K.S.A. 65-720i and 65-720j)

2. Frozen Dessert Act -- K.S.A. 65-720a through 65-720d

Duties of Secretary: None

Duties of Board: This act is considered part of what is covered by K.S.A. 65-720o

Duties of Other Enforcing Official:

Dairy Commissioner: Insure that frozen dairy desserts are properly labeled and meet bacteria and coliform standards. (K.S.A. 65-720b and 65-72-0o)

Rules and Regulations: K.A.R. 4-7-510 *et seq.* (K.S.A. 65-720a and K.S.A. 75-1401)

Adopted by Whom: Board

Administrative Remedies: Cease and desist, stop sale and related orders issued by Dairy Commissioner (65-720i and 65-720j)

3. Grade A Milk Law -- K.S.A. 65-737 *et seq.*

Duties of Secretary: None

Duties of Board: Establish a statewide milk inspection system. (K.S.A. 65-7-37a)

Duties of Other Enforcing Official: Dairy Commissioner

Rules and Regulations: K.A.R. 4-7-715 *et seq.* and K.A.R. 4-7-802 (K.S.A. 65-737a and 65-745)

Adopted by Whom: Board

Administrative Remedies: Cease and desist, stop sale and related orders issued by dairy commissioner and permit denial or suspension (K.S.A. 65-720, 65-720j, 65-752 and 65-753)

4. Dairy Civil Penalties -- K.S.A. 65-770

Duties of Secretary: None

Duties of Board:

Duties of Other Enforcing Official:

Rules and Regulations: K.A.R. 4-7-900 *et seq.* (K.S.A. 75-1401)

Adopted by Whom: Board

5. Dairy Commissioner Statute -- K.S.A. 75-1401

Duties of Secretary: None

Duties of Board: Appoint a Dairy Commissioner

Duties of Other Enforcing Official:

Purpose of Act: Authorize hiring a dairy commissioner.

Rules and Regulations:

Adopted by Whom:

Office of Meat and Poultry Inspection

1. Food Advertising and Sales Practices Act -- K.S.A. 50-901 *et seq.*

Duties of Secretary: Provide inspection of places of business where meat, poultry, seafood, or combinations thereof are sold. This ties in with meat and poultry inspection pursuant to K.S.A. 1993 Supp. 65-6a18 *et seq.*

Duties of Board: Same as Secretary

Duties of Other Enforcing Official: Pursuit of violation by county or district attorney and attorney general in same manner as violation of Kansas Consumer Protection Act. (K.S.A. 50-623 *et seq.*)

Rules and Regulations: None

Adopted by Whom:

Administrative Remedies: None with KSBA.

Other Information: KSBA's only authority under this act is to investigate complaints.

2. Meat and Poultry Inspection Act -- K.S.A. 65-6a18 *et seq.*

Duties of Secretary:	Inspection of livestock and poultry prior to slaughter, carcasses after slaughter, premises where slaughtering, and processing of meat and poultry products occurs, etc. (K.S.A. 65-6a30, 65-6a20, 65-6a21, 65-6a22, etc.)
Duties of Board:	Adopt rules and regulations for enforcement of the Act. (K.S.A. 65-6a32 and 65-6a44)
Rules and Regulations:	K.A.R. 4-16-1 <i>et seq.</i> (meat) and K.A.R. 4-17-1 <i>et seq.</i> (poultry)
Adopted by Whom:	Board
Administrative Remedies:	Withdrawal of inspection (65-6a36) Tagging and condemnation of adulterated articles (K.S.A. 65-6a21, 65-6a22, and 65-6a23) inspecting premises for sanitation and adulteration. (K.S.A. 65-6a25 and 65-6a26)

Office of Weights and Measures

1. Liquified Petroleum Gas Act -- K.S.A. 83-143 *et seq.*

Duties of Secretary:	None
Duties of Board:	None
Duties of Other Enforcing Official:	The State Sealer is authorized to test all weighing measuring devices used in the retail sale of liquefied petroleum gas. The State Sealer is authorized to condemn all devices found to be inaccurate.
Rules and Regulations:	None. Adopted official handbooks by reference under K.S.A. 83-207.
Adopted by Whom:	State Sealer. (K.S.A. 83-147)
Administrative Remedies:	Condemnation of inaccurate devices. (K.S.A. 83-145)

2. Weights and Measures Act -- K.S.A. 83-201 *et seq.*

Duties of Secretary:	If the Secretary finds that any package or amount of any commodity is held, offered, or exposed for sale in violation of law, the Secretary may order them off-sale and may mark or tag them to show they are illegal.
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Duties of Board: Adopt rules and regulations necessary to carry out the provisions of the Act. (K.S.A. 83-207)

Duties of Other Enforcing Official: State Sealer hired under K.S.A. 83-205.

Rules and Regulations: K.A.R. 99-8-8 and 99-8-9
K.A.R. 99-25-1 *et seq.*
K.A.R. 99-26-1
K.A.R. 99-9-1 and K.A.R. 99-10-1

Adopted by Whom: Board

Administrative Remedies: The Secretary may issue stop use, stop removal, stop sale, and related orders (K.S.A. 83-209). The Secretary may reject and condemn noncomplying devices. K.S.A. 83-215 and K.S.A. 83-216

3. Scale Testing and Service Company Act -- K.S.A. 83-301 *et seq.*

Duties of Secretary: None

Duties of Board: To adopt rules and regulations with the recommendation of the State Sealer. (K.S.A. 83-303).

Duties of Other Enforcing Official: Consult with Board on the adoption of rules and regulations. State Sealer has authority to license and regulate scale testing and service companies. (K.S.A. 83-302)

Rules and Regulations: K.A.R. 99-30-2 *et seq.*

Adopted by Whom: Board

Administrative Remedies: State Sealer may suspend, revoke, decline to renew, or decline to issue a scale testing and service company license under certain conditions.

4. Motor Vehicle Fuel Device Testing and Service Company Act -- K.S.A. 83-401 *et seq.*

Duties of Secretary: None

Duties of Board: Board promulgates rules and regulations. (K.S.A. 83-403)

Duties of Other Enforcing Official: State Sealer licenses people wishing to test motor vehicle fuel dispensing devices and LPG measuring devices. State Sealer registers technicians.

Rules and Regulations: K.A.R. 99-31-1 *et seq.*

Adopted by Whom: Board, in coordination with the State Sealer

Administrative Remedies: None

5. Oil Inspection -- K.S.A. 1993 Supp. 55-422 *et seq.*

Duties of Secretary: Inspect, examine, and test the quality of all petroleum products sold in Kansas, inspect the pumps and other dispensing devices and administer and enforce the Act. (K.S.A. 55-423, 55-424, and 55-436).

Duties of Board: None

Duties of Other Enforcing Official: The Director of Taxation, Kansas Department of Revenue handles fee collections. (K.S.A. 55-426 and 55-427)

Rules and Regulations: K.A.R. 99-40-1 *et seq.* (K.S.A. 83-207)

Adopted by Whom: Secretary

Administrative Remedies: None under this Act.

6. Gasoline Transport Regulations (Weights and Measures) -- K.S.A. 55-512

Duties of Secretary: None except in conjunction with weights and measures (K.S.A. 83-201 *et seq.*)

Duties of Board: None except in conjunction with weights and measures (K.S.A. 83-201 *et seq.*)

Duties of Other Enforcing Official: Director of Taxation, Kansas Department of Revenue appears to have primary responsibility for other portions of K.S.A. 55-501 *et seq.* although Kansas Corporation Commission is mentioned in K.S.A. 55-504

Rules and Regulations: NONE ADOPTED BY KSBA K.A.R. 92-3-10 - 92-3-11

Adopted by Whom: Regulations cited adopted by Department of Revenue in 1966.

Administrative Remedies: None as to KSBA except under Weights and Measures Laws (K.S.A. 83-201 *et seq.*)

MARKETING DIVISION

K.S.A. 74-530 creates the Division of Markets within the State Board of Agriculture. The statute states that it is the duty of the Division to perform acts and do those things which are designed to lead to the more advantageous marketing of the agricultural products of Kansas. The Division is given the authority to investigate the subject of marketing farm products; promote their sales, distribution, and merchandising; furnish information and assistance to the public; study and recommend efficient and economical methods of marketing; provide for study and research as may be deemed necessary; gather and diffuse timely and useful information concerning the supply and demands of farm products; conduct market development activities and assist and coordinate participation by those entities which wish to be involved; render assistance to any entity and to make a reasonable service charge; and make agreements with other states and the U.S. government to accept funds from it or any other source to research studies, investigations, market development, and other purposes related to the duties of the Division:

1. Agricultural Products Labeling Act -- K.S.A. 2-2301 *et seq.*

Duties of Secretary: None

Duties of Board: None

Rules and Regulations: None

Adopted by Whom:

2. Kansas Grain Commodities Act -- K.S.A. 2-3001 *et seq.*

Duties of Secretary: None except those delegated to the Division of Markets. The duties primarily involve administrative support to the separate commodity commissions. (K.S.A. 2-3006)

Duties of Board: None

Rules and Regulations: K.A.R. 4-33-1 *et seq.* (K.S.A. 2-3006)

Adopted by Whom: Board on behalf of division of markets

3. Powers and Duties -- K.S.A. 74-530 *et seq.*

Duties of Secretary: None

Duties of Board: (Through the Division of Markets) Investigate, promote, obtain and disseminate information regarding the marketing of agricultural products. (K.S.A. 74-530) Provide grading and inspection services for agricultural products. (K.S.A. 74-531 and 74-532)

Duties of Other Enforcing Official: None except as provided in the Agricultural Products Labeling Act (K.S.A. 2-2301 *et seq.*) The Director of the Division is the CEO of the Division. (K.S.A. 74-533)

Rules and Regulations: None under this act. (K.S.A. 74-531)

Adopted by Whom: Board

Administrative Remedies: None

4. Registered Trademarks -- K.S.A. 74-540a *et seq.*

Duties of Secretary:

Duties of Board:

Duties of Other Enforcing Official:

Rules and Regulations:

Adopted by Whom:

Administrative Remedies:

5. Grape Growing and Wine Making Advisory Program -- K.S.A. 74-551

Duties of Secretary: The Secretary may establish a grape growing and wine making advisory program to aid in the technology, promotion, and marketing of Kansas grape growing and Kansas farm wineries.

Duties of Board: None

Duties of Other Enforcing Official: None

Rules and Regulations: None

Adopted by Whom: N/A

Administrative Remedies: N/A

6. Kansas Pecan Commission -- K.S.A. 2-3501 *et seq.*

Duties of Secretary: None except those delegated to the Division of Markets. The duties primarily involve administrative support to the Commission.

Duties of Board: None

Duties of Other Enforcing Official: The Commission makes recommendations to the Secretary. The Commission appears to have the ability to change the assessment rate through rules and regulations.

Rules and Regulations:

Adopted by Whom: Division of Markets

Administrative Remedies: None

7. Kansas Sheep Council – K.S.A. 1993 Supp. 47-2001 *et seq.*

Duties of Secretary: Serve as an ex officio member of the Council or appoint a designee to do so.

Duties of Board: None

Duties of Other Enforcing Official: None

Purpose of Act: To establish a checkoff program for wool and sheep sold for slaughter. The assessment is not more than \$.02 per pound of wool produced and sold by a seller and not more than \$.35 per head for sheep sold or slaughtered in Kansas.

Rules and Regulations: None adopted.

Adopted by Whom: Kansas Sheep Council.

Administrative Remedies: None

8. Aquaculture Advisory Council – K.S.A. 47-1901 *et seq.*

Duties of Secretary: Serve as a member of the Aquaculture Advisory Council or appoint a designee to do so.

Duties of Board: Coordinate aquaculture activities within the State of Kansas and implement the state aquaculture plan. (K.S.A. 47-1902). The Board may use any powers granted to the agency's Division of Markets pursuant to K.S.A. 74-530 *et seq.*

Duties of Other Enforcing Official: None

Rules and Regulations: None

Adopted by Whom: Board, pursuant to K.S.A. 74-530 *et seq.* and K.S.A. 1993 Supp. 47-1902.

Administrative Remedies: None

PLANT HEALTH DIVISION

As is indicated below, this Division is involved in the administration of several laws which deal with the use of pesticides. In addition, Kansas statute K.S.A. 2-1315 creates a Noxious Weed Division within the State Board of Agriculture. Through administrative action, the Noxious Weed Division and the Entomological Division were combined. However, no statutory recognition of the administrative action was ever accomplished.

1. Apiary Inspection Act -- K.S.A. 2-411 *et seq.*

Duties of Secretary: Inspect apiaries, beekeeping equipment, and bees for disease and prevent spread of disease.

Duties of Board: None

Rules and Regulations: See K.A.R. 4-14-1 *et seq.* (K.S.A. 2-424)

Adopted by Whom: Board

2. Barberry Eradication Act -- K.S.A. 2-712 *et seq.*

Duties of Secretary: None except as an employee of the Board.

Duties of Board: (and its officers and employees) Eradicate Black Stem Rust and the Common Barberry which have been declared a common nuisance by the Legislature. K.S.A. 2-712 and 2-713.

Rules and Regulations: None

Adopted by Whom:

3. Noxious Weed Law -- K.S.A. 2-1314 *et seq.*

Duties of Secretary: Confer with county officials regarding infestations of noxious weeds measures taken to control such weeds. (K.S.A. 2-1317 and 2-1318)

Duties of Board: Adopt rules and regulations establishing official methods for control of noxious weeds and other rules and regulations necessary for the administration of the Act. (K.S.A. 2-1315)

Duties of Other Enforcing Official: Director of the Noxious Weed Division administers and enforces the Act. Such Director operates under the supervision of the Secretary. (K.S.A. 2-1315) (Presently such duties are delegated to the Director of the Plant Health Division.)

Rules and Regulations: K.A.R. 4-8-14a *et seq.* (K.S.A. 2-1315)

Adopted by Whom: Board

Administrative Remedies: None at agency level except refusal to approve person hired by county commission as county weed director. (K.S.A. 2-1316) (K.A.R. 4-8-38 establishes minimum qualifications)

4. Plant Pest Act -- K.S.A. 2-2112 *et seq.*

Duties of Secretary: Locate, suppress, and prevent the spread of plant pests. (K.S.A. 2-2114) Also inspect and regulate plant nurseries and nursery stock in Kansas (K.S.A. 2-2118)

Duties of Board: Adopt rules and regulation necessary to carry out the provisions of the Act. (K.S.A. 2-2126)

Duties of Other Enforcing Official: None

Rules and Regulations: K.A.R. 4-15-1 (K.S.A. 2-2126)

Adopted by Whom: Board

Administrative Remedies: Revocation of nursery dealers license or nursery certificate. (K.S.A. 2-2122) Quarantine pursuant to K.S.A. 2-2117.

5. Agricultural Chemicals -- K.S.A. 2-2201 *et seq.*

Duties of Secretary: Register agricultural chemicals (pesticides) and regulate their movement and sale within the state. (K.S.A. 2-2204, 2-2205, and 2-2206)

Duties of Board: Establish the registration fee within legislatively established parameters pursuant to K.S.A. 2-2204

Rules and Regulations: K.A.R. 4-1-1 *et seq.* (K.S.A. 2-2204 and 2-2205)

Adopted by Whom: Board as to registration fee. (K.S.A. 2-2204)
Secretary as to administration of the Act. (K.S.A. 2-2205)

6. Kansas Pesticide Law -- K.S.A. 2-2438a *et seq.*

Duties of Secretary: Issue licenses, certificates and registrations pertaining to application of pesticides. Also administer a regulatory program regarding pesticide application. (K.S.A. 2-2439) Also administer pesticide dealer registration program. (K.S.A. 2-2469)

Duties of Board: None except possible adoption of regulations making changes in classification of restricted use pesticides. (K.S.A. 2-2439)

Duties of Other Enforcing Official: None

Rules and Regulations: K.A.R. 4-13-1 *et seq.* (K.S.A. 2-2439, 2-2467 and 2-2471)

Adopted by Whom: Secretary

Administrative Remedies: Suspension, modification, or revocation or refusal to issue licenses, permits and certificates issued under the act. (K.S.A. 2-2449, 2-2451 and 2-2452)

7. Pesticide Management Districts -- K.S.A. 2-2470 *et seq.*

Duties of Secretary: Consult with a technical advisory committee regarding the establishment of a pesticide management area, hold a public hearing, and determine whether such an area should be designated. (K.S.A. 2-2472, 2-2473, 2-2474, and 2-2476)

Duties of Board: None

Duties of Other Enforcing Official: None

Rules and Regulations: None adopted

Adopted by Whom: Secretary (K.S.A. 2-2478)

Administrative Remedies: Other than civil penalties, none unless offense also violates Kansas Pesticide Law.

8. Kansas Chemigation Safety Law -- K.S.A. 2-3301 *et seq.*

Duties of Secretary:	Register users of chemigation equipment, inspect such equipment, and regulate the practice of chemigation. (K.S.A. 2-3303, 2-3307, and 2-3309) Chemigation is the application of pesticides, fertilizers, animal wastes, or other chemicals to land or crops through an irrigation distribution system. (K.S.A. 2-3302(a))
Rules and Regulations:	K.A.R. 4-20-3 <i>et seq.</i> (K.S.A. 2-3309)
Adopted by Whom:	Secretary
Administrative Remedies:	Denial, suspension, modification, or revocation of permits by Secretary. (K.S.A. 2-3310)

9. Transfer of Duties of State Entomological Commission -- K.S.A. 74-515a *et seq.*

STATISTICAL DIVISION

The Statistical Division is given the responsibility for the compilation of statistical data relating to the production, processing, and marketing of agricultural products within Kansas. This is a cooperative effort with the U.S. Department of Agriculture.

1. Agricultural Statistics -- K.S.A. 74-504a *et seq.*

Duties of Secretary:	None
Duties of Board:	Authorized Board to gather information on topics related to agriculture.
Duties of Other Enforcing Official:	None
Rules and Regulations:	(K.S.A. 74-504d)
Adopted by Whom:	Board
Administrative Remedies:	None

WATER RESOURCES DIVISION

The Division of Water Resources is under the direction of the Chief Engineer. This person is responsible for the administration of 28 state laws, including four interstate river compacts and several assigned programs, such as the National Flood Insurance Program. All of these responsibilities relate to the management, distribution, and regulation of the water resources of the State of Kansas.

1. City Flood Control Act -- K.S.A. 12-635 *et seq.*

Duties of Secretary:	None
Duties of Board:	None
Duties of Other Enforcing Official:	Division of Water Resources approves City Engineer's Report concerning construction of proposed flood control works.
Rules and Regulations:	None
Adopted by Whom:	N/A

2. Flood Plain Law -- K.S.A. 12-734 *et seq.*

Duties of Secretary:	None
Duties of Board:	None
Duties of Other Enforcing Official:	Requires any ordinance, resolution, regulation or plan that proposes to create or affect any change in the flood plain zone or district to be approved by the Chief Engineer.
Purpose of Act:	Provide centralized review of proposed municipal flood plain ordinances.
Rules and Regulations:	K.S.A. 12-766(c)
Adopted by Whom:	Chief Engineer
Administrative Remedies:	None

3. Obstructions in Flow of Surface Waters -- K.S.A. 24-105 *et seq.*

Duties of Board:	None
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Duties of Other Enforcing Official:	Chief Engineer reviews and approves proposed levee projects preventing overflow of the stream.
Purpose of Act:	Provides state regulation of construction of levees.
Rules and Regulations:	None
Adopted by Whom:	N/A
Administrative Remedies:	None

4. Construction, Repair, and Maintenance of Levees -- K.S.A. 24-126

Duties of Secretary:	None
Duties of Board:	None
Duties of Other Enforcing Official:	Chief Engineer approves proposed levee projects to protect the public interest.
Purpose of Act:	Regulation of proposed levee projects.
Rules and Regulations:	Yes, K.S.A. 24-126(e)
Adopted by Whom:	Chief Engineer
Administrative Remedies:	None

5. Drainage District -- K.S.A. 24-656 *et seq.*

Duties of Board:	None
Duties of Other Enforcing Official:	Chief Engineer investigates proposed drainage district and reports to Secretary of State on petition for formulation. Chief Engineer approves requests to extend territory or dissolve portion of district.
Purpose of Act:	Organization and operation of certain drainage districts.
Rules and Regulations:	None
Adopted by Whom:	N/A
Administrative Remedies:	None

6. Watershed Development -- K.S.A. 24-901 *et seq.*

Duties of Secretary:	None
Duties of Board:	None
Duties of Other Enforcing Official:	The Division of Water Resources is required to work out a systematic general plan for the complete development of each watershed in the state in order to secure the most advantageous adjustment of the interest involved in matters of floods, drainage, irrigation water power, and navigation. This is to be done in conjunction with the federal government. In addition, the Division is authorized and directed to establish and maintain river gauging stations.
Rules and Regulations:	None
Adopted by Whom:	N/A

7. Watershed District -- K.S.A. 24-1201 *et seq.*

Duties of Secretary:	None
Duties of Board:	None
Duties of Other Enforcing Official:	Chief Engineer approves petition for formation and certifies approval to the Secretary of State and Chairman of the Steering Committee; K.S.A. 24-1206. Chief Engineer also approves general plans of watershed districts; K.S.A. 24-1213, 1214, and 1216. Chief Engineer also approves transfer and extensions of territory; K.S.A. 24-1222. Chief Engineer approves dissolution of parts of districts; K.S.A. 24-1229.
Purpose of Act:	Organization and operation of watershed districts.
Rules and Regulations:	None
Adopted by Whom:	N/A
Administrative Remedies:	None

8. Storage of Irrigation Water -- 42-313

Duties of Secretary:	None
Duties of Board:	None

Duties of Other Enforcing Official: None

Purpose of Act: Permits persons entitled to use of water for beneficial purposes to collect and store water so long as it is consistent with reasonable storage and conservation practices.

Rules and Regulations: None

Adopted by Whom: N/A

Administrative Remedies: None

9. Irrigation Districts -- K.S.A. 42-701 *et seq.*

Duties of Secretary: None

Duties of Board: None

Duties of Other Enforcing Official: Chief Engineer approves applications, maps, and other information submitted to form an irrigation district. Chief Engineer performs various other duties relative to formation, expansion, and dissolution.

Purpose of Act: Organization and operation of irrigation districts.

Rules and Regulations: None

Adopted by Whom: N/A

Administrative Remedies: None

10. Creation of Division of Water Resources -- K.S.A. 74-506a *et seq.*

Duties of Secretary: None

Duties of Board: Hire and employ a Chief Engineer for the Division of Water Resources. (K.S.A. 74-506b and 74-506d)

Duties of Other Enforcing Official: None

Purpose of Act: Create the Division of Water Resources in KSBA and transfer powers and duties from former Kansas Water Commission and Division of Irrigation. (K.S.A. 74-506c and 74-509)

Rules and Regulations: None

Adopted by Whom: N/A

11. Powers of Chief Engineer -- K.S.A. 74-509 *et seq.*

Duties of Secretary:	None
Duties of Board:	None
Duties of Other Enforcing Official:	Chief Engineer provides advice and technical assistance for construction of irrigation plants.
Purpose of Act:	Public assistance for formation of irrigation plants.
Rules and Regulations:	None
Adopted by Whom:	N/A
Administrative Remedies:	None

12. Dams and Other Obstructions in Streams and Changing the Course, Current, or Cross Section -- K.S.A. 82a-301 *et seq.*

Duties of Secretary:	None
Duties of Board:	None
Duties of Other Enforcing Official:	Chief Engineer administers the Obstructions in Streams Act and issues permits: (a) to construct dams impounding more than 30 acre-feet of water, (b) to build stream obstructions, and (c) to make stream alterations. The Chief Engineer also inspects critical phases of construction of permitted projects and takes appropriate enforcement actions.
Purpose of Act:	Regulation of construction of stream obstructions and alterations and dams to protect life, property, public safety, and public interest.
Rules and Regulations:	K.S.A. 82a-303a
Adopted by Whom:	Chief Engineer
Administrative Remedies:	K.S.A. 82a-303c(b)

13. Stream Cleaning Act -- K.S.A. 82a-303c(b)

Duties of Secretary:	None
Duties of Board:	None

Duties of Other Enforcing Official: K.S.A. 82a-307a and 309 allow the Chief Engineer to approve banklines established by the Board of County Commissioners in which stream channels may be cleaned and maintained. The Chief Engineer also approves projects whereby sand royalty funds will be used by drainage districts. See K.S.A. 82a-309.

Purpose of Act: Regulation of cleaning of stream channels.

Rules and Regulations: None

Adopted by Whom: N/A

Administrative Remedies: None

14. Dams Built Under Conservation Programs -- K.S.A. 82a-312 *et seq.*

Duties of Secretary: None

Duties of Board: None

Duties of Other Enforcing Official: Chief Engineer approves constructions of dams described below.

Purpose of Act: Requires approval of dam for agricultural purposes constructed as part of a Federal Agriculture Conservation Program.

Rules and Regulations: None

Adopted by Whom: N/A

Administrative Remedies: None

15. Environmental Coordination Act -- K.S.A. 82a-325 *et seq.*

Duties of Secretary: None

Duties of Board: None

Duties of Other Enforcing Official: Chief Engineer is the permitting agency for the three acts cited below.

Purpose of Act: The Act allows the Division of Water Resources to have proposed projects which require permits pursuant to K.S.A. 24-126, 24-1213, and 82a-301 *et seq.* to be reviewed by the appropriate state environmental review agencies to determine that possible affects on the environment and to condition the approval of or the permit for, the project in a manner to address environmental concerns of the environmental review agencies.

Rules and Regulations: None

Adopted by Whom: N/A

Administrative Remedies: None

16. Water Storage Law -- K.S.a. 82a-405 *et seq.*

Duties of Secretary: None

Duties of Board: None

Duties of Other Enforcing Official: The Chief Engineer certifies completion of dams, the capacity of the reservoir, and land area involved to county clerk or assessor.

Purpose of Act: Allows exemption of taxes on land where dams are built to create reservoirs for the storage of water. See K.S.A. 82a-405 through 410 and K.S.A. 79-201g.

Rules and Regulations: None

Adopted by Whom: N/A

Administrative Remedies: None

17. Republican River Compact -- K.S.a. 82a-518

Duties of Secretary: None

Duties of Board: None

Duties of Other Enforcing Official: Chief Engineer is an ex-officio member of the Compact Administration.

Purpose of Act: Apportions the waters of the Republican River, an interstate stream, among Kansas, Colorado, and Nebraska.

Rules and Regulations: Article IX

Adopted by Whom: Unanimous vote of compact administration.

Administrative Remedies: Article IX

18. Arkansas River Compact (Kansas-Colorado) -- K.S.A. 82a-520

Duties of Secretary: None

Duties of Board: None

Duties of Other Enforcing Official: Chief Engineer is an ex-officio member of Compact Administration.

Purpose of Act: Apportions the waters of the Arkansas River between the states of Colorado and Kansas.

Rules and Regulations: Yes, see Article VIII B(1).

Adopted by Whom: Unanimous vote of the Compact Administration.

Administrative Remedies: Article VIII

19. Arkansas River Basin Compact (Kansas-Oklahoma) -- K.S.A. 82a-528

Duties of Secretary: None

Duties of Board: None

Duties of Other Enforcing Official: Chief Engineer is an ex-officio member of the Compact Administration.

Purpose of Act: Apportions the waters of the Arkansas River between the states of Kansas and Oklahoma.

Rules and Regulations: Yes, See Article XI A (4)

Adopted by Whom: Compact Commission

Administrative Remedies: Article XI

20. Big Blue River Basin Compact (Kansas-Nebraska) -- K.S.A. 82a-529

Duties of Secretary: None

Duties of Board: None

Duties of Other Enforcing Official: Chief Engineer is an ex-officio member of the Compact Administration.

Purpose of Act:	Apportions the waters of the Big Blue River Basin between the States of Nebraska and Kansas.
Rules and Regulations:	Yes, See Article III, Section 3.4 of the Compact.
Approved by Whom:	Compact Administration
Administrative Remedies:	Article III, Section 3.4 of the Compact.

21. Rural Water Supply Districts -- K.S.A. 82a-601 *et seq.*

Duties of Secretary:	None
Duties of Board:	None
Duties of Other Enforcing Official:	The Chief Engineer receives the petition for formation of a rural water district. See K.S.A. 82a-603.
Purpose of Act:	Allows organization of Rural Water -- Supply Districts by County Commissions.
Rules and Regulations:	None
Approved by Whom:	N/A
Administrative Remedies:	None

22. Rural Water Districts -- K.S.A. 82a-612 *et seq.*

Duties of Secretary:	None
Duties of Board:	None
Duties of Other Enforcing Official:	Plans, specifications, proposed operating budgets, schedule of unit fees and benefit units, rules and regulations, estimates costs for proposed projects are filed with the Chief Engineer. See K.S.A. 82a-621.
Purpose of Act:	The organization and operation of rural water districts.
Rules and Regulations:	None
Adopted by Whom:	N/A
Administrative Remedies:	None

23. Water Appropriations Act -- K.S.A. 82a-701 *et seq.*

Duties of Secretary:	None
Duties of Board:	None
Duties of Other Enforcing Official:	"The Chief Engineer shall enforce and administer the laws of this state pertaining to the beneficial use of water and shall control, conserve, regulate, allot, and aid in the distribution of the water resources of the state for the benefits and the beneficial uses of all of its inhabitants in accordance with the rights of priority of appropriation." K.S.A. 82a-706.
Purpose of Act:	Provides a statutory system to control, conserve, allot, and distribute the waters of the State of Kansas.
Rules and Regulations:	K.S.A. 82a-706a
Adopted by Whom:	Chief Engineer
Administrative Remedies:	K.S.A. 82a-706 and K.S.A. 82a-721

24. Groundwater Management Act -- K.S.A. 82a-1020 *et seq.*

Duties of Secretary:	None
Duties of Board:	None
Duties of Other Enforcing Official:	The Chief Engineer reviews and approves petitions for formation of Groundwater Management Districts. K.S.A. 82a-1024. The Chief Engineer reviews revised management plans to determine if they are compatible with state law. K.S.A. 82a-1029. The Chief Engineer may adopt rules and regulations recommended by groundwater management districts. K.S.A. 82a-1028(o). The Chief Engineer may also create intensive groundwater use control areas recommended by groundwater management districts. The Chief Engineer can also create intensive groundwater use control areas outside groundwater management district boundaries. See K.S.A. 82a-1028(s), and K.S.A. 82a-1036 through K.S.A. 82a-1040.
Purpose of Act:	"... establish the right of local water users to determine their destiny with respect to the use of groundwater insofar as it does not conflict with basic laws and policies of the state of Kansas." K.S.A. 82a-1020
Rules and Regulations:	K.S.A. 82a-706a
Adopted by Whom:	Chief Engineer

Administrative Remedies: K.S.A. 82a-1038(b)

25. State Water Plan Storage Act -- K.S.A. 82a-13-1 *et seq.*

Duties of Secretary: None

Duties of Board: None

Duties of Other Enforcing Official: The Chief Engineer has the authority to review and accept water reservation rights filed by the Kansas Water Office allowing storage of water by the State of Kansas in federal reservoirs.

Purpose of Act: The Act allows the Kansas Water Office to file for a Water Reservation Right, approval of which allows the state of Kansas to store water in federal reservoirs to be sold to various municipal, industrial, and other users.

Rules and Regulations: None

Adopted by Whom: N/A

Administrative Remedies: None

26. Water Assurance Program Act -- K.S.A. 82a-1330 *et seq.*

Duties of Secretary: None

Duties of Board: None

Duties of Other Enforcing Official: The Chief Engineer determines eligible water rights which determines eligible members for the district. The Chief Engineer also participates in the negotiation of contracts for assurance storage from federal reservoirs. The Chief Engineer approves the petition for formation of the district. See K.S.A. 82a-1332-1335, 1337, and 1345.

Purpose of Act: Allows creation of water assurance districts, which may then contract with the Kansas Water Office to purchase water in storage in federal reservoirs to maintain the availability of water for municipal and industrial use for members of the assurance district.

Rules and Regulations: Yes, See K.S.A. 82a-1345(e)

Adopted by Whom: Director of the Kansas Water Office and the Chief Engineer after considering advice of existing assurance districts.

27. Water Transfer Act -- K.S.A. 82a-1501 *et seq.*

Duties of Secretary:	None
Duties of Board:	None
Duties of Other Enforcing Official:	The Chief Engineer is chairperson of a three-person panel which hears and rules on the proposed water transfer. In addition to possible appellate review, the current statute requires subsequent review by Kansas Water Authority and Kansas Legislature.
Purpose of Act:	Requires approval of water transfers, the diversion and transportation of 1,000 acre feet of water or more per calendar year for beneficial use outside a ten-mile radius from the point of diversion.
Rules and Regulations:	K.S.A. 82a-1506
Approved by Whom:	Chief Engineer
Administrative Remedies:	None

28. Multipurpose Small Lakes Program -- K.S.A. 82a-1601 *et seq.*

Duties of Secretary:	None
Duties of Board:	None
Duties of Other Enforcing Official:	Chief Engineer approves of general plan of various classes of multipurpose lakes being developed under the Act.
Purpose of Act:	To construct various classes of multipurpose small lakes.
Rules and Regulations:	None
Adopted by Whom:	N/A
Administrative Remedies:	None