

MINUTES OF THE HOUSE AGRICULTURE & NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 9:00 a.m. on February 21, 2011, in Room 783 in the Docking State Office Building.

All members were present except:

Representative Elaine Bowers - Excused
Representative Rocky Fund - Excused
Representative Charlotte O'Hara - Excused
Representative Michael Peterson - Excused

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes
Raney Gilliland, Kansas Legislative Research Department
Michael Wales, Kansas Legislative Research Department
Kay Scarlett, Committee Assistant

Conferees appearing before the Committee:

Others attending:

See attached list.

Discussion and action on HB 2271 – Amending provisions relating to plant pest inspection and regulation.

Chairman Powell opened **HB 2271** for discussion. Sean Ostrow, Office of the Revisor of Statutes, explained a balloon amendment worked on by the the Kansas Department of Agriculture and stakeholders after the hearing on the bill. Many of the proposed changes are clarifying language and technical clean up. Page 7, lines 45 and 46, and page 8, lines 1 – 7, of the balloon removes the felony penalty provision from the bill making a violation a misdemeanor as in current law. It was noted that the proposed change on page 5, line 17, of the balloon should be the “plant pest emergency response fund, not the “plant protection fee fund.” (Attachment 1) Representative Hayzlett moved to adopt the balloon amendment as presented. Seconded by Representative Brookens, the motion carried.

Representative Brookens moved to recommend **HB 2271**, as amended, favorably for passage. The motion was seconded by Representative Hayzlett. Discussion ensued.

Representative Brookens moved to amend the balloon on page 4, line 34, to put a period after hour; strike “not including exclusive” and insert “Any”; and on page 4, line 35, strike “,which shall” and insert “may” and strike “an” and insert “and” Seconded by Representative Williams, the motion carried.

Representative Grant moved to amend the balloon on page 8, line 3, to change the maximum penalty from \$5,000 back to current law of \$1,000 per violation. The motion was seconded by Representative Brookens. After much discussion and noting that this amount was increased as a deterrent to commission of a violation, Representative Grant, with Representative Brookens consent, moved to change the maximum penalty to \$2,000. Motion carried.

Representative Brookens moved to recommend **HB 2271**, as amended, favorably for passage in the form of **House Substitute for HB 2271**. The motion was seconded by Representative Grant. The motion passed.

Subcommittee appointed on HB 2295 – Amending state hunting laws and regulations relating to hunting seasons, permits and the use of bows.

Chairman Powell appointed a subcommittee to work with the Kansas Department of Wildlife and Parks and others on **HB 2295**: Representative Willie Prescott, Chairman; Representative Kyle Hoffman; and Representative Jerry Williams.

The meeting adjourned at 9:35 a.m. The next meeting of the House Agriculture & Natural Resources Committee is scheduled for March 3, 2011.

HOUSE AG & NATURAL RESOURCES COMMITTEE
GUEST LIST

DATE: FEBRUARY 21, 2011

[illegible]

HOUSE BILL No. 2271

By Committee on Agriculture and Natural Resources

2-10

AN ACT concerning agriculture; relating to plant pest inspection and control; amending K.S.A. 2010 Supp. 2-2113, 2-2115, 2-2116, 2-2117, 2-2118, 2-2120, 2-2122, 2-2123, 2-2124, 2-2125, 2-2126, 2-2128 and 2-2129 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2010 Supp. 2-2113 is hereby amended to read as follows: 2-2113. As used in this act:

(a) "Plant pests" include any stage of development of any insect, nematode, arachnid, or any other invertebrate animal, or any bacteria, fungus, virus, weed or any other parasitic plant or microorganism, which can injure plants or plant products.

(b) "Secretary" means the secretary of the Kansas department of agriculture, or the authorized representative of the secretary.

(c) "Plants and plant products" means trees, shrubs, grasses, vines, forage and cereal plants and all other plants; cuttings, grafts, scions, buds and all other parts of plants;

(d) "Plant products" means and fruit, vegetables, roots, bulbs, seeds, wood, lumber, grains and all other plant products.

(e) "Location" means any grounds or premises on or in which live plants are propagated or grown or from which live plants are removed for sale or any grounds or premises on or in which live plants are being fumigated or treated or packed or stored or offered for sale.

(f) "Live plant dealer" means any person unless excluded by rules and regulations of the secretary adopted hereunder who:

(1) Grows live plants for sale or distribution;

(2) buys or obtains live plants for the purpose of reselling or reshipping within this state;

(3) plants, transplants or moves live plants from place to place within the state with the intent to plant such live plants for others and receives compensation for the live plants, for the planting of such live plants or for both live plants and plantings; or

(4) gives live plants as a premium or for advertising purposes.

(g)

"Person" means a corporation, company, society, association, partnership, governmental agency and any individual or co

Comment [k1]: Should read "who engages in business in the following manner:"

1 combination??of??individuals
 2 (g)(h)
 3 2011 Permit 2011 ??means??a??document??issued??or??authorized??by??t
 4 he??secretary??to??provide??for??the??movement??of??regulated??articl
 5 es??to??restricted??destinations??for??limited??handling??utilization;??o
 6 r??processing
 7 (h)(i)
 8 2011 Host 2011 ??means??any??plant??or??plant??product??upon??which
 9 ??a??plant??pest??is??dependent??for??completion??of??any??portion??
 10 of??its??life??cycle
 11 (i)(j)
 12 2011 Regulated ??article 2011 ??means??any??host??or??any??article??of
 13 ??any??character??as??described??in??a??quarantine??or??regulation??c
 14 arrying??or??being??capable??of??carrying??the??plant??pest??against
 15 ??which??the??quarantine??or??regulation??is??directed
 16 (j)(k)
 17 2011 Live ??plant 2011 ??means??any??living??plant??cultivated??or??wil
 18 d??or??any??part??thereof??that??can??be??planted??or??propagated??u
 19 nless??specifically??exempted??by??the??rules??or??regulations??of??th
 20 e??secretary
 21 (k)(l)
 22 2011 Quarantine ??pest 2011 ??means??a??pest??of??potential??economic
 23 ??importance??to??the??area??endangered??thereby??and??not??yet??pr
 24 esent??there??or??present??but??not??widely??distributed??and??being
 25 ??officially??controlled
 26 (l)(m)
 27 2011 Regulated ??nonquarantine ??pest 2011 ??means??a??nonquarantine??
 28 pest ?? whose ?? presence ?? in
 29 live ?? plants ?? for ?? planting ?? affects ?? the ?? intended ?? use ?? of ?? those
 30 live ?? plants ?? with ?? an ?? economically ?? unacceptable ?? impact ?? and ?? wh
 31 ich ?? is ?? therefore ?? regulated
 32 (m)(n)
 33 2011 Official ?? control 2011 ??means??the??active??enforcement??of??ma
 34 ndatory??~~phytosanitary~~phytosanitary??regulations??and??the??applicati
 35 on??of??mandatory??~~phytosanitary~~phytosanitary??procedures??with??t
 36 he??objective??of??eradication??or??containment??of??quarantine??pest
 37 s??or??for??the??management??of??regulated??nonquarantine??pest
 38 (n)(o)
 39 2011 Regulated ??area 2011 ??means??an??area??into??which??within??w
 40 hich??~~and/or~~??from??which??plants??plant??products??and??other??re
 41 gulated??articles??are??subjected??to??~~phytosanitary~~phytosanitary??reg
 42 ulations??or??procedures??in??order??to??prevent??the??introduction??a
 43 nd/or??spread??or??both??of??quarantine??pests??or??to??limit??the
 44 ??economic??impact??of??regulated??nonquarantine??pests
 45 (o)(p)
 46 2011 Bee 2011 ??means??a??honeyproducing??insect??of??the??genus??A

1 pis??including??all??life??stages??of??the??insect

2 (p)(q)

3 2011 Beekeeping??equipment 2011??means??all??hives??supers??frames
4 ??or??other??devices??used??in??the??rearing??or??manipulation??of??
5 bees??or??their??brood

6 (q) "Bee pest" means any infectious, contagious or communicable
7 disease or harmful parasite or insects affecting honey bees or their brood.

8 Sec. 2. K.S.A. 2010 Supp. 2-2115 is hereby amended to read as
9 follows: 2-2115. To effectuate the purposes of this act *and any rules or*
10 *regulations adopted hereunder*, the secretary shall have the right to:

11 (a) Enter and inspect, *monitor and place and inspect monitoring*
12 *equipment in, and obtain samples from* any property in this state, except
13 private dwellings, *at any reasonable time*; or, to (b) stop and
14 inspect any means of conveyance moving within this state, upon ~~probable~~
15 *cause reasonable suspicion* to believe it contains or carries any plant pest
16 or other article subject to this act.

17 (c) *If access to any property sought under the provisions of this*
18 *section for the purposes authorized is denied, the secretary may apply to*
19 *any court of competent jurisdiction for an order providing for such*
20 *access. The court shall, upon proper application, issue an order*
21 *providing for access to such property.*

22 Sec. 3. K.S.A. 2010 Supp. 2-2116 is hereby amended to read as
23 follows: 2-2116. (a) ~~Wherever the secretary finds a plant, plant product~~
24 ~~or other regulated article that is infested by a plant pest or finds that a~~
25 ~~plant pest exists on any premises in this state or is in transit in this state,~~
26 ~~the secretary may;~~

27 (1) Upon giving notice to the owner or an agent of the owner in
28 possession thereof, ~~may~~ seize, quarantine, treat, or otherwise dispose of
29 such plant pest in such manner as the secretary deems necessary to
30 suppress, control, eradicate, ~~or~~ prevent or retard the spread of such plant
31 pest; or

32 (2) ~~the secretary may order such owner or agent to so treat or~~
33 ~~otherwise dispose of the such plant pest. If such owner fails to comply~~
34 ~~with such order, the secretary may treat or otherwise dispose of such~~
35 ~~plant pest.~~

36 (b) ~~After notice and opportunity for a hearing in accordance with the~~
37 ~~provisions of the Kansas administrative procedure act, the secretary may~~
38 ~~assess against such owner any expense incurred by the secretary in~~
39 ~~treating or otherwise disposing of such plant pest.~~

40 Sec. 4. K.S.A. 2010 Supp. 2-2117 is hereby amended to read as
41 follows: 2-2117. The secretary is authorized to quarantine this state or any
42 portion thereof when the secretary determines that such action is
43 necessary to prevent or retard the spread of a plant pest and to quarantine
44 any other state or portion thereof whenever the secretary determines that
45 a plant pest exists therein and that such action is necessary to prevent or
46 retard its spread into this state. Before promulgating the determination

Comment [k2]: Strike

Comment [k3]: Strike and replace with (a).

Comment [k4]: Strike and replace with (b).

Comment [k5]: Strike and replace with "and."

Comment [k6]: Replace with "after"

Comment [k7]: Correct spelling to
"administrative"

Comment [k8]: Strike

1 that a quarantine is necessary, the secretary, after *providing* due notice to
2 interested parties, shall hold a public hearing at which any interested
3 party may appear and be heard either in person or by attorney. The
4 secretary may impose a temporary quarantine for a period not to exceed
5 90 days during which time a public hearing, as provided in this section,
6 shall be held if it appears that a quarantine for more than the 90-day
7 period will be necessary to prevent or retard the spread of the plant pest.
8 The secretary may limit the application of the quarantine to the infested
9 portion of the quarantined area and appropriate environs, to be known as
10 the regulated area, and, without further hearing, may extend the regulated
11 area to include additional portions of the quarantined area. Following the
12 establishment of the quarantine, no person shall move the plant pest
13 against which the quarantine is established or move any regulated article
14 described in the quarantine, within, from, into or through this state
15 contrary to the quarantine promulgated by the secretary. The quarantine
16 may restrict the movement of the plant pest and any regulated articles
17 from the quarantined or regulated area in this state into or through other
18 parts of this state or other states and from the quarantined or regulated
19 area in other states into or through this state. The secretary shall impose
20 such inspection, disinfection, certification or permit and other
21 requirements as the secretary shall deem necessary to effectuate the
22 purposes of this act. The secretary is authorized to establish regulations
23 defining pest freedom standards for live plants, plants and plant products
24 or other regulated articles that pose risk of moving plant pests that may
25 cause economic or environmental harm.

26 Sec. 5. K.S.A. 2010 Supp. 2-2118 is hereby amended to read as
27 follows: 2-2118. Upon request the secretary may provide inspection
28 services for any person who owns or possesses plants or plant products or
29 for certification purposes of regulated articles intended for shipment
30 ~~interstate or internationally~~. Upon payment of the appropriate fee as
31 established by rule and regulation and as inspection personnel are
32 available, the inspection shall be conducted and a report or certificate
33 setting forth the inspection results shall be issued if requested. Inspection
34 fees shall not exceed \$30 per hour, *not including* ~~exclusive diagnostic and~~
35 *identification fees, which shall be assessed as established by rules and*
36 *regulations adopted by the secretary*. Mileage incurred shall also be paid
37 by the person requesting the inspection at the rate established by *rules*
38 ~~and regulation regulations~~. If certificate is requested an additional fee not
39 to exceed \$50, *as established by rules and regulations*, plus any fee
40 amount charged by the United States government for the acquisition of
41 federal certificates shall be assessed. The fees for such inspection and
42 certificate in effect on the day preceding the effective date of this act shall
43 continue in effect until the secretary adopts rules and regulations fixing a
44 different fee therefor under this subsection. In any case where any
45 intended receiving state or country requires or authorizes the certification
46 of plants or plant products, bees or beekeeping equipment or other

Comment [k9]: Strike.

regulated articles to be based on origin, special handling, treatment or any other procedure in addition to or in lieu of actual visual inspection of such articles, the secretary may provide such certification. The secretary may refuse to perform any inspection if the regulated article to be inspected is found to be in such condition that it cannot be adequately inspected or the environs in which the regulated article is located present a danger to the health and safety of the inspection personnel.

Sec. 6. K.S.A. 2010 Supp. 2-2120 is hereby amended to read as follows: 2-2120.

(a) Every live plant dealer, before selling or offering for sale or delivering any live plants in this state, shall procure from the secretary a live plant dealer's license for each location and vehicle from which the live plant dealer offers such live plants for sale.

(b) Application for such license shall be made on a form furnished by the secretary, and The fee for each application shall be fixed by rules and regulations adopted by the secretary, except that such fee shall not exceed \$60, and shall not apply to live plant dealers whose total annual retail live plant sales are less than \$10,000. The application fee in effect on the day preceding the effective date of this act shall continue in effect until the secretary adopts rules and regulations fixing a different application fee under this section.

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

(d) The Such live plant dealer's license shall expire on January 31, following date of issue, except that all valid certificates of nursery inspection and nursery dealer licenses issued by the secretary that are scheduled to expire in 2002 shall remain valid until January 31, 2003.

(e) A live plant dealer may sell only live plants:

(1) Which are in compliance with all quarantines and regulated nonquarantine pest freedom standards established by the secretary; or

(2) live plants accompanied by a valid certificate of inspection of a federal inspector or inspector of another state, stating that such live plants comply with all applicable quarantines and regulated nonquarantine pest freedom standards. Except where restricted by a quarantine, live plants transplanted on one contiguous property are exempt from the provisions of this act.

Sec. 7. K.S.A. 2010 Supp. 2-2122 is hereby amended to read as follows: 2-2122. If it is found that any live plant dealer license issued by the secretary is being used in connection with live plants which do not meet the quarantines and regulated nonquarantine pest freedom standards established by the secretary, or other precautionary measures prescribed by the secretary under the provisions of this act and amendments thereto, or if it is found that any live plant dealer's license is being used by a person other than the one to whom it was issued, the secretary may

Comment [k10]: This needs to be changed to "engages in business as a live plant dealer."

Comment [RS11]: Excluding the plant protection fee fund authorized pursuant to K.S.A. 2010 Supp. 2-2129, and amendments thereto

Comment [k12]: Change to "shall not be required to obtain a license..."

Comment [k13]: Replace with "engage in the live plant business with live plants which are:"

Comment [k14]: Strike

Comment [k15]: Strike

1 ~~revoke the live plant dealer's license after notice and opportunity for a~~
 2 ~~hearing are given in accordance with the provisions of the Kansas~~
 3 ~~administrative procedure act to show cause why the license should not be~~
 4 ~~revoked.~~

5 *The secretary, after providing notice and opportunity for a hearing in*
 6 *accordance with the provisions of the Kansas administrative procedure*
 7 *act, may deny any application for, or refuse to renew, revoke, suspend or*
 8 *modify the provisions of any license, permit or certificate issued pursuant*
 9 *to this act if applicant or holder of such license, permit or certificate has*
 10 *failed to comply with:*

11 (a) ~~Any provision or requirement of this act or any rule or regulation~~
 12 ~~adopted hereunder; or~~

13 (b) ~~any laws, rules or regulations of any other state, or the United~~
 14 ~~States, relating to licensing of live plant dealers, plant pests, plants or~~
 15 ~~plant products or commodity certification; or~~

16 (c) ~~had any license, certificate or permit issued by any other state, or~~
 17 ~~the United States, related to the licensing of live plant dealers, plant~~
 18 ~~pests, plants or plant products revoked, suspended or modified.~~

19 Sec. 8. K.S.A. 2010 Supp. 2-2123 is hereby amended to read as
 20 follows: 2-2123. It shall be unlawful to deliver, transport or ship into or
 21 within this state live plants or other regulated articles which are not in
 22 compliance with the provisions of this act.

23 (a) ~~Any such live plants intended for resale and any such live plants~~
 24 ~~transported by public carriers sold, delivered, transported or shipped into~~
 25 ~~or within this state by a live plant dealer shall have attached to each~~
 26 ~~quantity or package be accompanied by a tag, or label, itemized bill of~~
 27 ~~lading, receipt or other document on which shall appear the name and~~
 28 ~~address of the consignor or shipper; a description of the contents and the~~
 29 ~~place of origin. Live plants brought into the state under a document, as~~
 30 ~~required by this section, may be sold and moved under a valid Kansas~~
 31 ~~live plant dealer license, and this shall not preclude inspection by the~~
 32 ~~secretary at any time within the state.~~

33 (b) ~~All live plants and regulated articles shipped or moved into this~~
 34 ~~state shall be accompanied by a copy of a valid document documentation~~
 35 ~~issued by the proper official of the state, territory, district or country from~~
 36 ~~which it was shipped; or moved sent, or brought showing that such live~~
 37 ~~plants or regulated articles are in compliance with Kansas quarantines~~
 38 ~~and regulated nonquarantine pest freedom standards as established by the~~
 39 ~~secretary.~~

40 ~~Live plants brought into the state under a document, as required by~~
 41 ~~this section, may be sold and moved under a valid Kansas live plant~~
 42 ~~dealer license, and this shall not preclude inspection by the secretary at~~
 43 ~~any time within the state.~~

44 (c) ~~Electronic or mail order sales of live plants are subject to the~~
 45 ~~provisions of this act. All regulated articles shipped or moved into Kansas~~
 46 ~~shall be accompanied by valid documentation issued by the proper~~

Comment [k16]: Strike

Comment [k17]: "Failed to comply with any provision..."

Comment [k18]: "Failed to comply with any laws..."

Comment [k19]: Strike "or"; replace with a comma.

official of the state, territory, district or county [country] from which it was shipped or moved showing that the regulated article is in compliance with Kansas quarantines or pest freedom standards, or both, established for such article.

Sec. 9. K.S.A. 2010 Supp. 2-2124 is hereby amended to read as follows: 2-2124. (a) It shall be a violation of this act for any person to:

(a)(1)

to sell, barter, offer for sale or move, transport, deliver, ship or offer for shipment into or within this state any plant, pest, or any living stage without first obtaining approval for such shipment from the secretary

(b)(2)

to hinder or prevent the secretary from carrying out his or her duties under this act

(c)(3)

to fail to carry out the treatment or destruction of any plant, pest or regulated article in accordance with official notification from the secretary

(d)(4)

to sell, transport, deliver, distribute, offer or expose for sale live plants which are not in compliance with the provisions of this act

(e)(5)

to use an invalid, suspended or revoked certificate of inspection permit or live plant dealer license, in the sale or distribution of live plants

(f)(6)

to fail to comply with any of the provisions of this act or the rules and regulations promulgated adopted hereunder and

(g)(7)

to knowingly move any regulated article into or within this state from a quarantined area of any other state when such article has not been treated or handled as provided by the requirements of said quarantine at the point of origin of such article

(b) Each day a violation of this act occurs or continues shall constitute a separate violation.

(c) The district court shall have jurisdiction over violations of this act or rules and regulations adopted hereunder. Such court may issue orders, including, but not limited to, temporary restraining orders, without first requiring proof that an adequate remedy at law does not exist. Any such orders shall be issued without bond. Such orders may be instituted prior to the initiation of any criminal, administrative or civil penalty proceedings.

Sec. 10. K.S.A. 2010 Supp. 2-2125 is hereby amended to read as follows: 2-2125. (a) Any person who intentionally violating violates any

Comment [k20]: Need to add "to engage in business as a live plant dealer and" before the "use"

Comment [k21]: Strike

Comment [k22]: Strike

Comment [k23]: Replace with issued.

of the provisions of ~~subsection (a)(1), (a)(3), (a)(4), (a)(5) or (a)(7) of K.S.A. 2-2124, and amendments thereto,~~ this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25 nor more than \$500. ~~severity level 7, nonperson felony.~~

~~(b) A person who violates subsection (a)(2) or (a)(6) of K.S.A. 2-2124, and amendments thereto, shall be guilty of a class A nonperson misdemeanor.~~

~~(b)(c)~~ The secretary, after providing notice and opportunity for a hearing, in accordance with the Kansas administrative procedure act, may assess a civil penalty against any person who violates or fails to comply with the requirements of this act, ~~or any rules or regulations adopted hereunder,~~ of not less than \$100 nor more than \$1,000 ~~\$5000~~ per offense. ~~violation. In the case of a continuing offense, each day the violation continues may be deemed a separate violation. A separate civil penalty may be assessed for each separate violation.~~ Such civil penalty may be assessed in addition to any other penalty provided by law. ~~Such assessment shall be made in accordance with the Kansas administrative procedure act.~~

Sec. 11. K.S.A. 2010 Supp. 2-2126 is hereby amended to read as follows: 2-2126. The secretary shall ~~promulgate~~ ~~adopt~~, amend and repeal such rules and regulations as, in the discretion of the secretary, are necessary for the ~~efficient execution~~ ~~administration and enforcement~~ of the provisions of this act.

Sec. 12. K.S.A. 2010 Supp. 2-2128 is hereby amended to read as follows: 2-2128. (a) The secretary shall remit all moneys received by or for the secretary under article 21 of chapter 2 of Kansas Statutes Annotated, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the ~~entomology~~ ~~plant~~ protection fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary ~~of agriculture or by a person or persons designated by the secretary.~~

~~(b) The entomology fee fund is hereby redesignated the plant protection fee fund.~~

Sec. 13. K.S.A. 2010 Supp. 2-2129 is hereby amended to read as follows: 2-2129. (a) There is hereby created a plant pest emergency response fund in the state treasury. Such fund shall be funded by a fee assessed in addition to the fees assessed a live plant dealer under article 21 of chapter 2 of the Kansas Statutes Annotated. The additional fee shall be fixed by rule and regulation promulgated by the secretary of agriculture, except that such additional fee shall not exceed \$5 annually on each live plant dealer license. The secretary is authorized and empowered to collect the fees provided in this section. ~~When the total~~

Comment [k24]: Strike

1 amount of fees deposited in the fund is equal to or exceeds \$15,000, the
2 secretary shall not collect any such fees as provided in this section. When
3 expenditures made from the fund result in the total amount of the fees
4 deposited in the fund to be less than \$15,000, the secretary may resume
5 the assessment and collection of such fees as provided in this section.

6 (b) The secretary is authorized and empowered to make
7 expenditures from the plant pest emergency response fund and that in the
8 discretion of the secretary mitigate pests that have been identified by the
9 secretary as high risk pests having the potential to damage agriculture,
10 horticulture or the environment. Such expenditures may include the costs
11 of enforcement to protect against high risk pests identified by the
12 secretary. All expenditures from such fund shall be made in accordance
13 with appropriation acts upon warrants of the director of accounts and
14 reports issued pursuant to vouchers approved by the secretary or by a
15 designee of the secretary.

Comment [k25]: Strike

16 (c) The plant pest emergency response fund shall be a fund separate
17 and distinct from the ~~entomology~~ *plant protection* fee fund referred to in
18 K.S.A. 2-2128, and amendments thereto.

19 (d) The provisions of this section shall be part of and supplemental
20 to this act.

21 Sec. 14. K.S.A. 2010 Supp. 2-2113, 2-2115, 2-2116, 2-2117, 2-2118,
22 2-2120, 2-2122, 2-2123, 2-2124, 2-2125, 2-2126, 2-2128 and 2-2129 are
23 hereby repealed.

24 Sec. 15. This act shall take effect and be in force from and after its
25 publication in the statute book.
26
27