

SESSION OF 2021

SUPPLEMENTAL NOTE ON SENATE BILL NO. 38

As Amended by Senate Committee on
Agriculture and Natural Resources

Brief*

SB 38, as amended, would establish the Kansas Pesticide Waste Disposal Program (Program) that would be administered by the Secretary of Agriculture (Secretary) for the collection and disposal of pesticide waste in the state. The bill would also create in the State Treasury the Kansas Pesticide Waste Disposal Fund (Disposal Fund) with the purpose of funding the Program.

The bill would require all moneys credited to the Disposal Fund to be used by the Secretary for the Program and all expenditures from the Disposal Fund would be made in accordance with appropriation acts upon warrants of the Director of Accounts and Reports (Director) issued after vouchers are approved by the Secretary.

The bill would authorize the Kansas Agricultural Remediation Board (Board) to approve an annual transfer of moneys from the Kansas Agricultural Remediation Fund (Remediation Fund) to the Disposal Fund in an amount not exceeding \$50,000 in any calendar year.

The bill would require the Secretary to submit to the Board on or before January 1 of each year a report regarding the annual expenditures made from the Program.

The bill would also require the Director to transfer from the State General Fund to the Disposal Fund interest earnings based on the average daily balance of moneys in

*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>

the Disposal Fund for the preceding month and the net earnings rate of the pooled money investment portfolio for the preceding month.

The bill would add definitions for “Kansas Pesticide Waste Disposal Fund,” “Kansas Pesticide Waste Disposal Program,” “pesticide,” and “pesticide waste.” The bill would also amend law regarding the Remediation Reimbursement Program to allow this program to provide funding to the new Program.

The bill would also make technical amendments.

Background

The bill was introduced by the Senate Committee on Agriculture and Natural Resources at the request of a representative of the Kansas Grain and Feed Association.

Senate Committee on Agriculture and Natural Resources

In the Senate Committee hearing on January 26, 2021, representatives of the Kansas Agribusiness Retailers Association, Kansas Cooperative Council, Kansas Department of Agriculture (KDA), and Kansas Grain and Feed Association provided **proponent** testimony on the bill, stating the bill would facilitate the proper disposal of unwanted pesticides by reducing the financial burden associated with the disposal and reduce the human exposure risk by having the waste pesticides packaged, shipped, and disposed of by professionals.

Written-only **proponent** testimony was provided by the Kansas Association of Wheat Growers, Kansas Corn Growers Association, Kansas Department of Health and Environment, Kansas Farm Bureau, Kansas Sorghum Producers Association, Kansas Soybean Association, and Sierra Club.

No neutral or **opponent** testimony was provided.

The Senate Committee amended the bill by moving the phrase “with no identifiable owner or responsible party” to earlier in the sentence to clarify the term “pesticide waste” includes “pesticides with no identifiable owner or responsible party that have been abandoned or illegally dumped at a site.”

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the KDA indicates enactment of the bill would not result in additional costs or personnel requirements for the agency, as the program was previously funded by a federal grant and will continue with support from the Remediation Fund, which consists of fees related to pesticide sales and products. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2022 Governor’s Budget Report*.

Agriculture; pesticide; pesticide waste