

February 16, 2011

The Honorable Larry Powell, Chairperson  
House Committee on Agriculture and Natural Resources  
Statehouse, Room 149-S  
Topeka, Kansas 66612

Dear Representative Powell:

**SUBJECT:** Fiscal Note for HB 2271 by House Committee on Agriculture and Natural Resources

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2271 is respectfully submitted to your committee.

HB 2271 would amend the Plant Pest and Agricultural Commodities Certification Act of the Kansas Department of Agriculture, and would include the following changes:

1. Inspectors would have the authority to monitor, inspect, and obtain samples from any property except private dwellings at any reasonable time upon reasonable suspicion the property contains any plant pest. Should inspectors be denied access, the Secretary could apply to the court for an order to gain access. The owner could also be assessed for expenses related to the inspection process.
2. The bill would require all facilities owned or leased by persons involved in the sale and shipment of plants must pay an inspection fee of \$30 per hour, to receive a certification document that shows that plants and equipment are adequately inspected. A fee of \$50 would be charged, plus any additional fees, if the person would want a federal plant certificate.
3. The bill would change the licensing requirements so that every live plant dealer must apply for and receive a dealer's license for each location where plants would be sold. The license fee would not exceed \$60. Any dealer who does not export or import plants, and whose annual gross receipts are less than \$10,000 would be exempt from licensing requirements.
4. HB 2271 would require that live plants shipped or moved into the state by live plant dealers be accompanied by a bill of lading or other documentation that includes plant descriptions and places of origin.

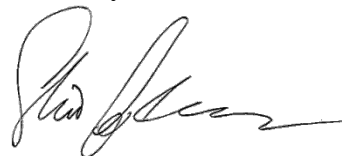
5. The bill would increase enforcement provisions so that any person who intentionally violates the regulations regarding the shipment of plants or the shipment of plant pests, especially from quarantined areas, could be charged with a severity level 7, nonperson felony or a class A nonperson misdemeanor, depending on the offense.
6. The bill would re-designate the Entomology Fee Fund as the Plant Protection Fee Fund.
7. The bill would allow the Department to continue collecting the \$5 fee for the Plant Pest Emergency Response Fund even if the balance in the fund exceeds \$15,000.

Estimated State Fiscal Effect				
	FY 2011 SGF	FY 2011 All Funds	FY 2012 SGF	FY 2012 All Funds
Revenue	--	--	--	\$7,358
Expenditure	--	--	--	(\$2,156)
FTE Pos.	--	--	--	--

The Kansas Department of Agriculture indicates that passage of the bill would reduce expenditures by \$2,156 because the Department would no longer have to issue free live plant dealer licenses to small dealers and would increase revenue by \$7,358 in the Plant Pest Emergency Response Fee Fund. Currently, the Department cannot collect the \$5 fee for the Fund if the balance exceeds \$15,000.

The Sentencing Commission indicates that any fiscal effect of HB 2271 would be negligible since the penalties referenced in the bill would most likely result in probation rather than incarceration.

Sincerely,



Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Mark Heim, Agriculture  
Mary Rinehart, Judiciary  
Brenda Harmon, Sentencing