

SENATE BILL No. 86

By Committee on Agriculture

1-29

1 AN ACT concerning agriculture; relating to the plant pest and agriculture
2 commodity certification act; live plant dealer's licenses; amending
3 K.S.A. 2012 Supp. 2-2120 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2012 Supp. 2-2120 is hereby amended to read as
7 follows: 2-2120. (a) Every live plant dealer, before selling or offering for
8 sale or delivering any live plants in this state, shall procure from the
9 secretary a live plant dealer's license for each location from which such
10 live plant dealer engages in business as a live plant dealer.

11 (b) *The secretary shall provide for two live plant dealer's license*
12 *types:*

13 (1) *A live plant dealer whose gross receipts for activities defined*
14 *under subsection (f) of K.S.A. 2-2113, and amendments thereto, is \$10,000*
15 *or more in a calendar year or who imports or exports plants into or out of*
16 *the state of Kansas, shall be issued a standard live plant dealer's license.*
17 *The fee for such license shall not exceed \$80; and*

18 (2) *a live plant dealer whose gross receipts for activities defined*
19 *under subsection (f) of K.S.A. 2-2113, and amendments thereto, is less*
20 *than \$10,000 in a calendar year and who does not import or export plants*
21 *into or out of the state of Kansas, shall be issued a limited live plant*
22 *dealer's license. The fee for such license shall not exceed \$40.*

23 ~~(b) (c)~~ Application for ~~such~~ a live plant dealer's license shall be made
24 on a form furnished by the secretary. The fee for each application shall be
25 fixed by rules and regulations adopted by the secretary, ~~except that such~~
26 ~~fee shall not exceed \$80,~~ excluding the plant pest emergency fee,
27 authorized pursuant to K.S.A. 2012 Supp. 2-2129, and amendments
28 thereto.

29 ~~(e)~~ ~~A live plant dealer shall not be required to obtain a license if such~~
30 ~~live plant dealer does not import or export plants into or from the state and~~
31 ~~the annual gross receipts of such live plant dealer's business is less than~~
32 ~~\$10,000.~~

33 (d) ~~Such~~ All live plant dealer's ~~license~~ licenses shall expire on
34 January 31, following date of issue. *All live plant dealer's licenses shall be*
35 *renewed by February 1 of each calendar year. The secretary may establish*
36 *and charge a late fee for any license that is not renewed by March 1 of any*

1 *calendar year. Such late fee shall not exceed \$150.*

2 (e) A live plant dealer may only engage in the live plant business with
3 live plants which are:

4 (1) In compliance with all quarantines and regulated nonquarantine
5 pest freedom standards established by the secretary; or

6 (2) accompanied by a valid certificate of inspection of a federal
7 inspector or inspector of another state stating that such live plants comply
8 with all applicable quarantines and regulated nonquarantine pest freedom
9 standards.

10 (f) *A live plant dealer shall not be required to obtain a separate*
11 *license for sales at a farmer's market registered with the secretary, as*
12 *provided by law, and at which sales are made no more than one time per*
13 *week. Live plant dealers shall disclose to the secretary the farmer's*
14 *markets at which they intend to sell live plants.*

15 Sec. 2. K.S.A. 2012 Supp. 2-2120 is hereby repealed.

16 Sec. 3. This act shall take effect and be in force from and after its
17 publication in the statute book.