

MINUTES OF THE SENATE AGRICULTURE COMMITTEE.

The meeting was called to order by Chairperson Derek Schmidt at 8:30 a.m. on February 27, 2001 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
 Betty Bomar, Secretary

Conferees appearing before the committee:
 Hal Hudson, Kansas Pest Control Association
 Dean Garwood, Regulatory Entomologist
 Greg A. Foley, Assistant Secretary of Agriculture
 Doug Wareham, Kansas Fertilizer & Chemical Association and the Kansas
 Grain & Feed Association

Others attending: See attached list

Upon motion by Senator Corbin, seconded by Senator Umbarger, the Minutes of the February 20, 2001 Meeting were unanimously approved.

SB 255 - Reciprocity for pesticide applicators, fee paid shall be the amount paid in Kansas

Hal Hudson, Executive Director of the Kansas Pest Control Association, testified in support of **SB 255**, stating the legislation addresses a problem with regard to reciprocal certification fees charged by Kansas, affecting a number of pest control companies who employ individuals to work on both sides of the state line. Kansas statutes provide for reciprocity with neighboring states through which individuals who meet the certification requirements of their respective states may be certified in Kansas without taking the Kansas examinations. The fee for certification in Kansas is set by statute and currently is \$35.00 per category for a three-year period, i.e. separate fees for licensing, certification, and examination. Missouri charges \$50 for an annual license fee, which can cover a multitude of categories but they are not charged fees for examination or certification in the individual categories.

As a result of the differences in licensing and certification, Missouri Certified Applicators seeking reciprocal certification in Kansas have been charged a \$150.00 fee for a 3-year period, which is improperly based on the Missouri License fee. Kansas certified Applicators seeking the same certification in Missouri currently are charged \$0.

SB 255 eliminates the confusion and the improper fee assessment by the Kansas Department of Agriculture. It ensures that all persons certified are treated equally and charged the proper fees. (Attachment 1)

Mr. Hudson distributed the written testimony of Phillip J. Augustine supporting **SB 255**. (Attachment 2)

Dean Garwood, Regulatory Entomologist, and an employee of Schendel Service, Inc., testified in support of **SB 255**, stating the Memorandum of Agreement was entered into in 1979 and was designed to exempt any certified pesticide applicator who passed the required examination in his home state from taking the examination to become certified in the other state. At the time of the Agreement it was determined that the fee for Kansas certification of a Missouri resident was set by the statute at \$35.00. The reciprocal provisions of the Kansas and Missouri pesticide laws and the reciprocal agreement have not been materially changed since they were enacted.

CONTINUATION SHEET

Sometime after the initial Memorandum of Agreement, the Department of Agriculture adopted a policy that required Missouri resident applicators to pay an application fee of \$150.00 for certification in Kansas. Mr. Garwood does not believe the \$150.00 fee is authorized by Kansas statute. **SB 255** establishes that the application fee for Kansas certification of all pesticide applicators is \$35.00. ([Attachment 3](#))

Greg A. Foley, Assistant Secretary of Agriculture, testified in opposition to **SB 255**, stating the Secretary of the Department of Agriculture issues applicator certificates, regulates pesticide product registration, licenses private and commercial pesticide applicators, and provides regulatory oversight to protect consumers and citizens involved with pesticides. **SB 255** amends the law relating to the reciprocity of nonresident commercial and private applicator certificates. **SB 255** strikes what is already required by the Constitution, which is that fees are applied equally within a state. As an example, Kansas residents should pay the same fees and have the same credentialing requirements as nonresidents who apply for a certificate in Kansas. Certification and licensing requirements, however, are not uniformly addressed in each state. Each state's law is different, which is why states that allow reciprocity try to translate the requirement of each state. Fees a state charges are determined by each state's licensing official and cannot be equalized from state to state if it results in a nonresident obtaining favorable treatment.

Kansas currently has Memoranda of Understanding (MOU) with Missouri, Nebraska, Oklahoma and Indiana. Nebraska and Oklahoma have the same \$35.00 fee schedule as Kansas; the Indiana MOU applies only to right of way spraying.

The Department of Agriculture opposes changes that may raise constitutional issues by creating unfair competitive advantages for Kansas applicators who try to conduct business in another state. ([Attachment 4](#))

A copy of the Reciprocal Certification Requirements was distributed to members of the Committee. ([Attachment 5](#))

A copy of the four Memorandum of Understanding was distributed to members of the Committee. ([Attachment 6](#))

The Chair informed the Committee it would take no action on the bill until the conferees are able to provide the Committee with a clear understanding of the true affect of the proposed legislation. Presently, it appears the proposed legislation is unfair to the Kansas certified applicators.

SR 1804 A resolution supporting agricultural biotechnology

Doug Wareham, Kansas Fertilizer & Chemical Association and the Kansas Grain & Feed Association, appeared before the Committee and distributed new language for **SR 1804**. The new language was not submitted to the Revisor of Statutes previous to its being submitted to the Committee, and the conferee requested the language be in the form of a Concurrent Resolution. The Committee took no action. ([Attachment 7](#))

The Committee adjourned at 9:25 a.m.

The next meeting is scheduled for February 28, 2001.