

SENATE BILL No. 255

By Committee on Agriculture

2-6

AN ACT concerning pest control; relating to the reciprocity of applicators' certificates; amending K.S.A. 2-2443a and 2-2445a and repealing the existing sections.

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

Section 1. K.S.A. 2-2443a is hereby amended to read as follows: 2-2443a. An applicant for a commercial applicator's certificate shall show upon written examination that the applicant possesses adequate knowledge concerning the proper use and application of pesticides in the categories for which the applicant has applied. Upon the recommendation of the secretary, a commercial applicator who holds a current certificate to apply pesticides commercially in any other state or political subdivision of the United States may be exempted from examination for certification in this state upon payment of proper fees, ~~which shall not be less than any comparable fees charged by the commercial applicator's state to Kansas certificate holders pursuant to article 24 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto,~~ if such state or political subdivision's requirements for certification were the full equivalent of the requirements of this state at the time it was issued and if the proper authorities of the state from which the applicant holds such commercial applicator's certificate, or its equivalent, agree to accept on an equal basis holders of certificates issued by the authorities of this state.

Applicants shall submit with each application an examination fee per category in which the applicant is to be examined which fee is fixed by rules and regulations adopted by the state board of agriculture, except that such fee shall not exceed \$25 per category in which the applicant is to be examined. The examination fee in effect on the day preceding the effective date of this act shall continue in effect until the state board of agriculture adopts rules and regulations fixing a different fee therefor under this section. Applicants who fail to pass the examination may reapply and take another examination upon paying another examination fee per category in which the applicant is to be reexamined which fee is fixed by rules and regulations adopted by the state board of agriculture, except that such fee shall not exceed \$25 per category in which the applicant is to be reexamined. The reexamination fee in effect on the day preceding

1 the effective date of this act shall continue in effect until the state board
2 of agriculture adopts rules and regulations fixing a different fee therefor
3 under this section. The examination shall include, but is not limited to,
4 the following:

5 (a) The proper use of the equipment.

6 (b) The hazards that may be involved in applying the pesticides,
7 including:

8 (1) The effect of drift of the pesticides on adjacent and nearby lands
9 and other non-target organisms;

10 (2) the proper meteorological conditions for the application of pes-
11 ticides and the precautions to be taken therewith;

12 (3) the effect of the pesticides on plants or animals in the area, in-
13 cluding the possibility of damage to plants or animals or the possibility of
14 illegal pesticide residues resulting on them;

15 (4) the effect of the application of pesticides to wildlife in the area,
16 including aquatic life;

17 (5) the identity and classification of pesticides used and the effects of
18 their application in particular circumstances; and

19 (6) the likelihood of contamination of water or injury to persons,
20 plants, livestock, pollinating insects and vegetation.

21 (c) Calculating the concentration of pesticides to be used.

22 (d) Identification of common pests to be controlled and damages
23 caused by such pests.

24 (e) Protective clothing and respiratory equipment for handling and
25 application of pesticides.

26 (f) General precautions to be followed in the disposal of containers
27 as well as the cleaning and decontamination of the equipment which the
28 applicant proposes to use.

29 (g) Applicable state and federal pesticide laws and regulations.

30 (h) Any other subject which the secretary deems necessary.

31 Sec. 2. K.S.A. 2-2445a is hereby amended to read as follows: 2-
32 2445a. In lieu of obtaining a commercial applicator's certificate under the
33 provisions of K.S.A. 2-2441a and amendments thereto, a private appli-
34 cator's certificate may be applied for by and issued to individuals using
35 restricted use pesticides for the purpose of: (a) Producing any agricultural
36 commodity, (1) on property owned or rented by the individual or such
37 individual's employer, or (2) on the property of another for no compen-
38 sation other than the trading of personal services between producers; or
39 (b) controlling ornamental shrubbery or turf pests on property owned or
40 rented by the individual and such property is used as the individual's
41 residence. Such certificates shall expire on the anniversary of the individ-
42 ual's date of birth occurring in the fifth calendar year following the year
43 of issue. The extension of the certification period from three to five years

1 shall apply to all individuals having a valid private applicator's certificate
2 on June 30, 1981. No certification shall be required hereunder for indi-
3 viduals operating under the supervision of a certified private applicator.

4 Certified private applicator certificates may be issued to individuals
5 who have paid a fee fixed by rules and regulations adopted by the state
6 board of agriculture, except that such fee shall not exceed \$10, and who
7 have acquired practical knowledge of pest problems, proper storage, use,
8 handling and disposal of pesticides and pesticide containers, pertinent
9 information found on the pesticide labels, pesticide use safety and envi-
10 ronmental considerations, either through Kansas state university exten-
11 sion service educational training or through individual study of educa-
12 tional materials available at county extension offices or the state board of
13 agriculture. The certified private applicator certificate fee in effect on the
14 day preceding the effective date of this act shall continue in effect until
15 the state board of agriculture adopts rules and regulations fixing a differ-
16 ent fee therefor under this section. Individuals shall indicate adequate
17 knowledge of the subjects enumerated herein by passing an open-book
18 examination approved by the secretary.

19 Educational materials and examination blanks shall be made available
20 at county extension offices and at places where extension educational
21 training is conducted. The examinations shall be scored by members of
22 the extension or secretary's staff. If an individual passes the examination
23 by equaling or exceeding a standard authorized by the secretary, a certi-
24 fied private applicator's certificate shall be issued to such individual.
25 Such staff member shall send a copy of the certificate issued, together
26 with the fee, to the secretary.

27 Upon the recommendation of the secretary, a certified applicator who
28 holds a current certificate to apply pesticides as a certified private appli-
29 cator in any other state or political subdivision of the United States may
30 be exempted from examination for private applicator certification in this
31 state upon payment of proper fees, ~~which shall not be less than any com-~~
32 ~~parable fees charged by the certified private applicator's state to Kansas~~
33 ~~certificate holders pursuant to article 24 of chapter 2 of the Kansas Stat-~~
34 ~~utes Annotated, and amendments thereto,~~ if such state or political sub-
35 division's requirements for certification were the full equivalent of the
36 requirements of this state at the time it was issued and if the proper
37 authorities of the state from which the applicant holds such certified pri-
38 vate applicator's certificate, or its equivalent, agree to accept on an equal
39 basis holders of certificates issued by the authorities of this state.

40 Sec. 3. K.S.A. 2-2443a and 2-2445a are hereby repealed.

41 Sec. 4. This act shall take effect and be in force from and after its
42 publication in the statute book.

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