

Approved April 6, 1987  
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Representative Clifford V. Campbell at  
Chairperson

9:12 a.m./p.m. on March 30, 1987 in room 423-S of the Capitol.

All members were present except: Representatives Freeman, Goossen, Gross, and Solbach, who were excused.

Committee staff present: Norman Furse, Revisor of Statutes Office  
Raney Gilliland, Legislative Research Department  
Pat Brunton, Committee Secretary

Conferees appearing before the committee:

Discussion was held on Senate Bill 303.

Representative Beauchamp made a motion to pass SB 303 as is. Representative Dean seconded. Discussion was held.

Representative Neufeld made a substitute motion to amend SB 303 changing the \$50,000 back to \$25,000. Representative Apt seconded. Discussion was held. The motion carried.

Representative Neufeld made a motion to amend HB 2568 into SB 303. Representative Hamm seconded. Representative Apt opposed motion. The committee voted in favor of motion and the motion passed.

Representative Sallee made a motion to amend SB 303 regarding the net worth requirements changing the bushel fee back to 20¢. Representative Beauchamp seconded. Representative Neufeld opposed motion.

Representative Sallee withdrew his motion and Representative Beauchamp withdrew his second on the previous amendment.

Representative Crumbaker made a conceptual motion to amend Senate Bill 303 by providing for a \$100 fee for each functional unit and adding a definition for "functional unit." Representative Neufeld seconded and the motion passed.

Representative Beauchamp made a motion to pass SB 303 as amended. Representative Crumbaker seconded and the motion passed.

Representative Hamm moved to table Senate Bill 282. Representative Dean seconded and the motion passed.

Chairman Campbell announced that discussion and possible action would be taken on SB 277 and SB 123 on Tuesday, March 31, 1987.

The meeting adjourned at 10:02 a.m.

Previously requested Pesticide Program budgets. (Attachment I)

FY 1988 PESTICIDE PROGRAM FUNDING

<u>Source</u>	<u>Plant Health</u>	<u>Laboratory</u>	<u>Total</u>
State General Fund	\$118,965		\$118,965
EPA Grant	136,966	\$39,734	176,700
Fees	<u>433,392</u>	<u>47,883</u>	<u>481,275</u>
Total:	\$689,323	\$87,617	\$776,940

	<u>Present Fees</u>			<u>Proposed Increase</u>		
	<u>Fee</u>	<u>No.</u>	<u>Total</u>	<u>Fee</u>	<u>No.</u>	<u>Total</u>
Commercial Certification Examination	\$25	500	\$ 12,500	\$ 25	500	\$ 12,500
Private Certification Application	10	650	6,500	10	650	6,500
Commercial Certification Application	35	865	30,275	35	865	30,275
Business License Application	75	1,300	97,500	150	1,300	195,000
Government Agency Registration	35	160	5,600	35	160	5,600
Uncertified Applicator	10	1,400	14,000	25	1,400	35,000
Registration of Pesticide Dealers	15	1,700	25,500	15	1,700	25,500
Agricultural Chemical Fees	15	7,670	115,050	20	7,670	153,400
Chemigation Fees	50	350	<u>17,500</u>	50	350	<u>17,500</u>
Total			\$324,425			\$481,275

Every \$5 increase in Agricultural Chemical (product registration) fees is approximately equal to a \$25 decrease in Business License fees.

Total revenue increase needed to fund existing program is \$156,850.

House Ag.  
Attachment I  
3/30/87

FISCAL SUMMARY INFORMATION

KANSAS STATE BOARD OF AGRICULTURE  
109 S.W. 9th Street  
Topeka, Kansas 66612  
Phone: (913) 296-3556

Bill Number: Senate Bill 282

As Amended By: \_\_\_\_\_

Dale Lambley  
Prepared By: \_\_\_\_\_

Director, Plant Health      2/24/87  
Title                                      Date

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Agency Explanation of Estimated Fiscal Impact

NOTE: Use this section to explain the assumptions and rationale employed in determining the estimated fiscal impact of the attached bill. Please note if this bill's fiscal impact is contained, in whole or in part, in the Governor's Budget Report. (Use additional sheets as necessary.)

This bill would authorize an increase of fees paid for pesticide product registration and licensing of commercial pesticide businesses. Fee increases are necessary to support the Pesticide Use Program at the current level of operation.

Lack of fee increases as authorized by this bill would result in a serious decrease in program services and outputs due to the necessity of reducing the subprogram field staff by four (4) ecological specialists. A significant reduction in estimated fee revenues (which are cyclical) necessitates this action in order to provide sufficient operating fees to maintain at least a minimal service and enforcement program. This would result in staff reduction of 25% in the pesticide use enforcement program (Kansas Pesticide Law), 50% in the Agricultural Chemical Act and the pesticide dealer registration programs, and 100% in the Chemigation Safety Law enforcement program. These reductions affect program productivity not only at the state level, but also at the federal level since failure to produce outputs required by the agency's enforcement grant with the U.S. Environmental Protection Agency should be expected to result in a further reduction in revenue. In order to avoid the above-referenced reductions in program output, a fee increase was requested by the agency in order to maintain the current level of staffing. According to budget directions, this request was included in FY 1988 Budget Level C.

The fiscal impact of this bill was contained in the Governor's budget report.

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(Continued on reverse side)

Summary of Estimated Fiscal Impact

	<u>1987</u>	<u>1988</u>	<u>1989</u>
<u>Revenue Impact by Fund</u>			
2800-99 Agricultural Chemical	\$ -0-	\$ 38,350	\$ 38,350
2804-99 Pesticide Use Fees	-0-	118,500	118,500
Total Revenue	\$ -0-	\$ 156,850	\$ 156,850
<u>Expenditure Impact by Fund</u>			
	\$	\$	\$
	\$	\$	\$
Total Expenditures	\$	\$	\$
<u>Expenditure Impact by Object</u>			
Salaries and Wages	\$	\$	\$
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
Contractual Services	\$	\$	\$
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
Commodities	\$	\$	\$
Capital Outlay	\$	\$	\$
Total Operating Expenditures	\$	\$	\$

<u>Salaries and Wages Summary</u>							
<u>Classification</u>	<u>Salary Range</u>	<u>No.</u>	<u>Amount</u>	<u>No.</u>	<u>Amount</u>	<u>No.</u>	<u>Amount</u>
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
Total Benefits			_____		_____		_____
Total Salaries and Wages			\$		\$		\$

<u>Capital Outlay</u>							
<u>Item</u>	<u>No.</u>	<u>Unit Cost</u>					
_____	_____	_____	\$		\$		\$
_____	_____	_____					
_____	_____	_____					
_____	_____	_____					
Total			\$		\$		\$

PESTICIDE REGISTRATION SECTION

This section of the division currently consists of 1 administrator, 2 field ecological specialists, and 2 clerical persons. At this level of staffing, we are able to meet all of this section's delegations to the Federal Enforcement Grant and perform approximately 70% of an optimum state registration and inspection program. This section administers the Agricultural Chemical Act; and the Pesticide Dealer Registration, and Bulk Pesticide Storage portions of the Kansas Pesticide Law.

The Agricultural Chemical Act was considered at inception as a consumer protection law designed primarily with two (2) goals in mind: (1) to insure that all pest control chemicals sold within the state had upon their containers adequate directions for safe use of the product; and (2) to insure that chemicals in the containers were of the same weight, constituents and concentrations as listed on the label. Amendment of the Federal Insecticide, Fungicide and Rodenticide Act in 1976 and subsequent assumption of state primacy by Kansas have substantially increased the workload of the state's registration program during recent years. Current primary workload areas performed by this section are as follows:

1. State pesticide registration and sampling;
2. Section 24c (Special Local Need) registrations;
3. Section 18 (Specific Exemption) registrations;
4. Producer establishment inspections;
5. Pesticide dealer registration;
6. Inspection of dealer sales of restricted use pesticides;
7. Bulk pesticide storage.

Currently, the state registration enforcement program operates at rather minimal levels with a total of one man year devoted to the annual conduct of approximately 600 marketplace inspections. An average of 4 hours is required for conduct of each inspection by individual field inspectors new to the program. After an initial training period in which the inspector becomes familiar with products registered by the state, time requirements drop to approximately 2 hours per inspection provided that field personnel conducting the inspection remain consistently involved with this type of work. Retail and wholesale pesticide markets inspected are highly varied and include wholesale agricultural chemical dealers, garden centers, grocery stores, veterinary suppliers, pest control suppliers, hardwares, discount stores, janitorial suppliers, restaurant suppliers, swimming pool suppliers, hospitals, mortuaries and others. Samples for laboratory analysis are taken of all non-registered products found in the marketplace. Additionally, routine samples are taken of products registered by the state to determine product quality and adherence to labeling. To facilitate laboratory analysis, the division's program of sampling of registered products is accomplished according to an established schedule.

During marketplace inspections, these ecological specialists also examine products for violation of federal statutes regarding pesticide registration, labeling, sale of cancelled or suspended products and compliance with child-proof packaging requirements. As of this date, there are approximately 8,000 labels by 700 companies registered for sale within Kansas.

The program of inspection of establishments of Kansas pesticide producers is conducted under EPA grant agreement. All information gathered during inspections is submitted to EPA for review and/or federal enforcement action. In general terms, this involves the inspection of facilities and pesticide products held by specific EPA identified producers operating within the state. Enforcement grant agreements require the division to accomplish an average of fourteen (14) such inspections per year. Division records indicate that the average time spent by field inspectors in conduct of these inspections is 13.5 hours per establishment.

The program of inspection of sales records of dealers handling restricted use pesticides is also conducted under EPA grant agreement and auspices of the Kansas Pesticide Dealer Registration regulations. Inspections are conducted under a specific inspection scheme designated by EPA. During inspections, sales records are randomly checked to determine sales of restricted use products. Persons recorded as purchasing products are then investigated to determine certification status. Dealer record inspections total 32 to 40 per year. These inspections require an average of 6.3 hours per dealer.

These positions are also responsible for inspection of bulk pesticide storage facilities. This is primarily a safety program designed to ensure that facilities having large amounts of pesticides on hand can contain same in case of tank rupture or similar accidental discharge. Since this is a relatively new program, much of the current field staff time is devoted to aiding and advising those firms who are attempting to comply with the law. Average time spent by field inspectors in conduct of these inspections is approximately 3 hours per facility.

Impact FY 1988 Levels A and B:

Financing of the pesticide use subprogram at Budget Level A or B will result in the loss of one (1) position in this section. The registration section ecological specialist proposed to be cut in FY 1988 currently performs state and federal inspections of the above programs in 56 counties. Obligated grant inspections include:

7 Pesticide Producer Establishment Inspections  
16 Restricted Use Pesticide Dealer Inspections  
125 Marketplace Inspections

An additional 175 state marketplace inspections are performed each year. This person also conducts field programs pertaining to pesticide dealer registrations (approximately 1,000) and the bulk pesticide storage and safety program, of which numbers have not yet been established. The loss of this person to program output would result in one-half of the total federal grant outputs assigned to this program not being accomplished with an expected proportionate share of federal funding being lost; or to concentrate on accomplishing the federal outputs at the expense of state program needs. For example, if one position is deleted, the obvious reduction in output accomplishments will be slightly greater than 50% due to one person having to work/travel statewide as opposed to one-half the state under the current staff compliment of two field persons.

In summary, this ecological specialist performs marketplace inspections and product sampling (both federal and state), pesticide dealer registration and inspections, bulk pesticide storage facility inspections, and cross-utilization of outputs of pesticide use program ecos in areas of use/misuse inspections and sampling.

PESTICIDE USE SECTION

The Division of Plant Health of the Kansas State Board of Agriculture is also responsible for enforcement of the Kansas Pesticide Law as it applies to the certification of applicators of restricted use pesticides and to the licensing of pest control firms. The law requires pest control firms to be licensed and insured and sets minimum standards for performance. As of October 1, 1986, pest control businesses licensed to operate within Kansas numbered 999. Inspectors from the division investigate consumer complaints of alleged misuse of pesticides, pesticide drift, poisoning of non-target organisms and pest control fraud.

The Kansas Pesticide Law also requires the testing and certification of all individuals using a class of pesticides termed restricted use pesticides. The law also establishes two (2) types of applicators (private and commercial) and sets forth specific categories of commercial applicators. As of September 29, 1986 there were 3,563 commercial and 22,277 private applicators certified for pesticide use in Kansas.

Investigators investigate consumer complaints and must gather unbiased evidence to determine if pesticide applicators and businesses have complied with all requirements of the Kansas Pesticide Law. They routinely check businesses involved in pest control to make sure they are licensed and kept informed of pertinent regulatory statutes. Investigators periodically sample applicators' spray tanks to see that pesticides are being diluted according to label instructions. They often are required to testify in both civil and criminal court cases involving commercial pesticide applicators.

The 1985 Session of the Kansas Legislature enacted the Kansas Chemigation Safety Law (K.S.A. 2-3301 et seq.) to protect the state's groundwater resources. Persons who apply pesticides, fertilizers or other chemicals through their irrigation systems are required to register with the Board of Agriculture, install certain anti-pollution devices in their irrigation systems, and maintain records of all chemicals applied by "chemigation." Salary and travel funds were appropriated for only one field investigator to administer this program even though it involves an estimated 1,200 persons and 9,000 wells.

Impact FY 1988 Level A and B:

Financing of the pesticide use subprogram at budget levels A or B will result in the loss of three (3) positions in this section. The duties assigned to those positions are outlined below.

One of the ecological specialist positions was the only one added by the 1985 Session of the Legislature to enforce the newly enacted Chemigation Safety Law, and the position is currently assigned statewide responsibility for chemigation. Responsibilities include:

1. Participation in training sessions for persons who apply pesticides, fertilizers or other chemicals through their irrigation systems;
2. Preparation of semi-annual newsletter for chemigators;
3. Inspection of chemigation systems to assure compliance;
4. Investigation of all reported spills and/or accidents and all reported cases of alleged pesticide misuse involving chemigation.

This position also maps locations of permitted chemigation wells and performs irrigation well water sampling to monitor groundwater quality. Loss of this position will essentially eliminate enforcement of the Chemigation Safety Law. If the law is not enforced, it should be repealed.

The Division of Plant Health currently employs 8 ecological specialists who are responsible for investigating all cases of alleged pesticide misuse (other than those involving chemigation). These employees also conduct on-site inspections where pesticides are being applied, check pesticide applicator records, pesticide storage and disposal practices, as well as business license and certification status to determine compliance with the Kansas Pesticide Law (K.S.A. 2-2438a et seq.). They also administer commercial pesticide applicator certification examinations.

Loss of two of these positions (25% of current staff assigned to this work) will result in slower response time in pesticide misuse investigations. Since many herbicide residues are not detectable after a relatively short time (1 to 2 weeks), investigation of alleged pesticide misuse involving herbicide drift damage to field crops and ornamental plantings will have to be discontinued. Every effort will be made to meet the output requirements of the agency's \$176,000 pesticide enforcement grant from the U.S. Environmental Protection Agency. However, the loss of 25% of the field staff working in this area of responsibility would make these outputs difficult to attain given EPA criteria for timely response. Failure to achieve the required outputs is likely to jeopardize funding from EPA in support of this program.

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Responsibilities of the four (4) positions impact the citizens of the state by ensuring safety in the storage and use of pesticides, assuring pesticide product ingredients are as stated on labeling and that products are properly registered for consumer use.



2800 Agricultural Chemical Fees

MONTH	1982	% Rec.	1983	% Rec.	1984	% Rec.	1985	% Rec.	1986	% Rec.	1987	% Rec.	1988	% Rec.
July	610		480		570		735		1,920	2%				
August	340		770		735		540		1,000	2%	1,170	1%		
September	235		520		605		345		385	3%	495	1%		
October	665	4%	380	2%	345	2%	630	2%	525	3%	600	2%		
November	5,640	11%		2%	4,875	6%	300	2%	23,670	23%	2,340	9%		
December	21,485	42%	15,095	16%	28,440	32%	7,440	9%	38,745	55%	26,880	33%		
January	18,490	68%	51,525	64%	26,250	56%	16,050	24%	41,640	89%	65,730	90%		
February	17,365	93%	28,335	90%	41,875	93%	75,275	96%	6,450	94%	2,715	92%		
March	2,170	96%	6,165	96%	3,510	96%	4,185	96%	2,700	97%	2,505			
April	1,145	98%	1,215	97%	2,295	98%	1,455	97%	1,505	98%	2,205			
May	570	99%	2,400	97%	750	99%	1,795	99%	1,195	99%	2,205			
June	855		1,245		945		1,240		1,290		2,205			
TOTAL	69,570		108,130		111,195		109,990		121,025		115,050			

Estimate  
Total to date

Estimate 115,050

2804 PESTICIDE USE FEES

Month	FISCAL YEAR 1984								FISCAL YEAR 1985							
	Comm. Cert. Exam/\$25	Priv. Cert/\$10	Comm. Cert. App./\$35	Business License App/\$75	Gov. Agency Reg/\$35	Uncert. App/\$10	TOTAL	% Received	Comm. Cert. Exam/\$25	Priv. Cert/\$10	Comm. Cert. App/\$35	Business License App/\$75	Gov. Agency Reg/\$35	Uncert. App/\$10	TOTAL	% Received
July	400	170	690	750	35	180	2,225	1%	450	300	895	1,200	280	180	3,305	2%
August	775	190	1,030	1,425		210	3,630	3%	650	390	1,040	900	35	280	3,295	4%
September	500	210	2,065	225	1	210	3,210	4%	350	220	385	600		190	1,745	5%
October	1,125	480	10,805	15,300	910	1,980	30,600	19%	700	870	2,915	17,025	2,030	805	24,345	18%
November	1,000	430	21,120	17,890	2,905	2,060	45,405	41%	975	390	5,920	16,200	3,395	2,210	29,090	34%
December	3,525	800	14,815	22,650	665	2,150	44,605	62%	690	680	5,680	23,850	735	3,100	34,735	53%
January	1,175	430	7,905	13,875	385	2,160	25,930	74%	1,175	1,780	1,995	14,100	280	2,370	21,700	65%
February	1,850	530	5,615	5,100	350	700	14,145	81%	1,400	2,920	1,680	4,990	385	610	11,985	72%
March	3,100	770	4,455	5,925	105	495	14,850	88%	3,450	4,305	4,675	7,890		1,400	21,720	84%
April	1,750	655	3,355	3,455	105	400	9,720	93%	3,025	1,585	3,280	4,800		820	13,510	91%
May	1,675	660	2,915	3,690	35	680	9,655	97%	1,475	1,890	2,555	2,400	140	330	8,790	96%
June	1,350	500	1,825	1,650	35	430	5,790		1,175	1,490	1,440	1,950	70	760	6,885	
TOTAL	18,225	5,825	76,595	91,935	5,530	11,655	209,765		15,515	16,820	32,460	95,905	6,125	14,280	181,105	

Month	FISCAL YEAR 1986									FISCAL YEAR 1987								
	Comm. Cert. Exam/\$25	Priv. Cert/\$10	Comm. Cert. App/\$35	Business License App/\$75	Gov. Agency Reg/\$35	Uncert. App/\$10	Dealer Reg. \$15	TOTAL	% Rec.	Comm. Cert. Exam/25	Priv. Cert/10	Comm. Cert. App/\$35	Business License App/\$75	Gov. Agency Reg/\$35	Uncert. App/\$10	Dealer Reg. \$15	TOTAL	% Rec.
July	897	1,120	1,655	1,200		450		5,322	2%	425	3,700	640	750	35	270	5970	11,790	4%
August	625	1,030	1,505	1,350		190		4,750	3%	1,450	3,450	2,075	1,200	35	220	1,815	10,245	8%
September	1,525	1,260	1,155	525	35	300		4,800	4%	950	4,040	1,120	300		300	1,140	7,850	11%
October	950	4,140	6,550	18,825	1,225	2,480		34,170	15%	850	4,120	10,510	12,975	1,085	1,900	870	32,315	22%
November	1,475	4,800	3,665	11,775	2,975	1,640	765	27,095	23%	1,275	3,030	22,355	22,685	3,490	2,530	375	61,565	44%
December	925	11,930	2,835	25,350	700	3,900	4,065	49,705	38%	3,475	3,270	14,010	25,390	595	3,320	675	50,735	62%
January	2,610	11,200	3,865	17,025	280	2,170	6,990	44,140	51%	1,150	1,230	6,020	13,950	1,185	2,030	405	24,890	71%
February	2,000	15,350	4,500	6,300	175	720	5,160	33,980	61%	2,975	3,210	5,185	6,450	140	1,010	765	20,235	78%
March	4,855	29,690	6,565	7,875	140	940	4,290	54,365	71%	2,425	3,470	3,430	5,450	140	700	375	15,990	80%
April	2,050	21,170	3,080	4,275		860	2,100	33,535	87%	350	3,470	1,015	5,450	70	600	375	11,330	90%
May	1,275	6,360	2,220	1,950	35	560	375	12,775	91%	350	3,470	1,015	5,450	70	560	375	11,290	90%
June	1,600	7,110	1,930	2,925	70	780	15,555	19,970		325	3,440	1,025	4,950	35	560	12,360	22,695	90%
TOTAL	20,797	115,210	39,300	99,375	5,635	14,990	39,300	334,607		16,000	39,900	74,900	105,000	5,600	14,000	25,500	280,927	50%

est. Rec'd 16,000 39,900 74,900 105,000 5,600 14,000 25,500 280,900

# NARRATIVE INFORMATION—JA 400

DIVISION OF THE BUDGET

DEPARTMENT OF ADMINISTRATION, STATE OF KANSAS

AGENCY NAME Kansas State Board of Agriculture  
 AGENCY—SUBAGENCY CODES 046-00 FUNCTION NO. 5  
 PROGRAM TITLE AND CODE Division of Plant Health 7200  
 SUBPROGRAM TITLE AND CODE Pesticide Use 7212

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DETAILED JUSTIFICATION OF RESOURCE FUND ESTIMATES:

DOB USE ONLY

PESTICIDE USE FEE FUND (Fund 2804): The Kansas Pesticide Law (K.S.A. 2-2438(a) et. seq.) requires the licensing of pesticide businesses, the certification of individual pesticide applicators, the registration of government agencies and registration of pesticide dealers. The law divided commercial applicator certification and business licenses into categories, and established fees for licensing, certification, government agency registration and registration of pesticide dealers. The statute was amended by 1982 House Bill 3147, which stipulates that the fee rates will be fixed by rules and regulations adopted by the Kansas State Board of Agriculture, not to exceed the following maximums:

- Commercial Certification Examination Fee: \$25 per category. Certification is in effect for 3 years.
- Private Certification Application Fee: \$10. Certification is in effect for 5 years.
- Commercial Certification Application Fee: \$35 per category. Certification is in effect for 3 years.
- Business License Application Fee: \$75 per category, plus \$10 per uncertified applicator employed. This is an annual fee.
- Government Agency Registration Fee: \$35. This is an annual fee.
- Uncertified Applicator Fees: \$10 per uncertified employee applicator. This is an annual fee.
- Registration of Pesticide Dealers: \$15. This is an annual fee.

All fee rates are currently at the maximum.

	Fee	FY 1986		FY 1987		Level A & B FY 1988		Level C FY 1988		
		No.	TOTAL	No.	TOTAL	No.	TOTAL	Fee	No.	TOTAL
Commercial Certification Examinations	*\$25	831	\$ 20,797	640	\$ 16,000	500	\$ 12,500	\$ 25	500	\$ 12,500
Private Certification Application	10	11,521	115,210	3,990	39,900	650	6,500	10	650	6,500
Commercial Certification Application	** 35	1,088	39,300	2,140	74,900	865	30,275	35	865	30,275
<del>Business License Application</del>	<del>75</del>	<del>1,325</del>	<del>99,375</del>	<del>1,400</del>	<del>105,000</del>	<del>1,300</del>	<del>97,500</del>	<del>150</del>	<del>1,300</del>	<del>195,000</del>
Government Agency Registration	35	161	5,635	160	5,600	160	5,600	35	160	5,600
<del>Uncertified Applicator</del>	<del>10</del>	<del>1,499</del>	<del>14,990</del>	<del>1,400</del>	<del>14,000</del>	<del>1,400</del>	<del>14,000</del>	<del>25</del>	<del>1,400</del>	<del>35,000</del>
Registration of Pesticide Dealers	15	2,620	39,300	1,700	25,500	1,700	25,500	15	1,700	25,500
TOTAL			\$334,607		\$280,900		\$191,875			\$310,375

Total Increase:  
 \$97,500  
 \$21,000  
 \$118,500

\*Figures do not compute due to insufficient fund check and recovery charge.

\*\*Figures do not compute due to reciprocal agreements with other states/category fee rate differences between states.

# NARRATIVE INFORMATION—DA 400

DIVISION OF THE BUDGET

DEPARTMENT OF ADMINISTRATION, STATE OF KANSAS

AGENCY NAME Kansas State Board of Agriculture  
AGENCY—SUBAGENCY CODES 046-00 FUNCTION NO. 5  
PROGRAM TITLE AND CODE Division of Plant Health 7200  
SUBPROGRAM TITLE AND CODE Pesticide Use 7212

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Certification fees have multiple-year renewal cycles. The attached graph illustrates the cyclical nature of the certification renewal program and shows the volume level of items received by the Records Center in each fiscal year from FY 1977 through FY 1986. Estimates of FY 1987 and FY 1988 are also provided.

Private Certification Fees (5-year renewal cycle): These certificates expire on the applicator's birthday, so renewals should be more or less uniformly distributed throughout the calendar years involved. Estimates are lower than for FY 1986 and FY 1987 due to the significant decrease in the number of certificates scheduled for renewal during FY 1988. Estimates for private certification fees receipts were based on the following:

477 private applicator certificates are due to expire and are subject to renewal during calendar year 1987.  
269 private applicator certificates are due to expire and are subject to renewal during calendar year 1988.  
It is estimated that 50% of the total of 746 certificates subject to renewal during the calendar years, 1987 and 1988, will occur during FY 1988, which would mean 374 certificates will be subject to renewal during FY 1988.

Actual renewal rate, based on past history, has proven to be 40%. Therefore, it is estimated that of the 374 certificates subject to renewal, only 150 will actually be renewed. During FY 1988, it is estimated that 500 new applicants will be certified.

The above estimates reflect that a total of 650 private certification applications will be received during FY 1988.

Commercial Certification Application Fees (3-year renewal cycle): These certificates expire at the end of the calendar year and may be renewed by attending training or by taking an examination. Application fees must be submitted for either type of renewal. Estimated fees receipts are lower than for FY 1987 due to the significant decrease in number of certificates scheduled for renewal during FY 1988. Estimates of commercial certification application fees receipts were based on the following:

854 commercial certificates are scheduled to expire and are subject to renewal December 31, 1987. A renewal rate, based on past history, has proven to be 60%. Therefore, it is estimated that 515 commercial applicators will actually renew. It is estimated that 350 new commercial certifications will be received during FY 1988.

The above estimates reflect that a total of 865 commercial certification applications will be received during FY 1988.

Commercial Certification Examination Fees (3-year cycle): Fewer commercial certificates are scheduled for renewal in FY 1988 than in FY 1987, so there is a corresponding decrease in examination fees receipts expected. Estimates of commercial certification examination fees receipts were based on the following:

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# NARRATIVE INFORMATION—DA 400

## DIVISION OF THE BUDGET

### DEPARTMENT OF ADMINISTRATION, STATE OF KANSAS

AGENCY NAME Kansas State Board of Agriculture  
AGENCY—SUBAGENCY CODES 046-00 FUNCTION NO. 5  
PROGRAM TITLE AND CODE Division of Plant Health 7200  
SUBPROGRAM TITLE AND CODE Pesticide Use 7212

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From past history, it is estimated that of the 515 commercial certification renewals anticipated in FY 1988 approximately 30% or 150 will not attend recertification training and will need to pass an examination to qualify for certification renewal. 350 new entry applications requiring examinations are estimated in FY 1988.

The above estimates reflect that a total of 500 commercial certification examinations will be processed during FY 1988.

Business License Application Fees: The estimated annual business license application fees receipts are less than for FY 1987 because the actual business license application fees received for FY 1986 were less than estimates for that year which included fiscal impact of H.B. 2470 which removed from licensing exemption those businesses making agricultural, ground rig application of general use pesticides. Also, some businesses have not renewed due to difficulty in finding insurers who will write liability coverage for pesticide businesses.

Estimated fee receipts for FY 1988 Level C are predicated upon an increase in the business license application fee from the current \$75 level to \$150 with the increase to occur on January 1, 1988. A change in statute will be required.

Government Agency Registration and Uncertified Applicator Fees: The annual fees for uncertified applicator employees and for government agency registrations are estimated at the same level as for FY 1987.

Estimated fee receipts for FY 1988 Level C, uncertified applicator employees are predicated upon an increase from the current \$10 per applicator to \$25 per applicator. This increase would be scheduled to occur on January 1, 1988 and at the beginning of the licensing year. A change in statute will be required.

Registration of Pesticide Dealers: The dealer registration program is in its first full year of operation and a definite number of registrants cannot yet be confirmed. It would appear that the actual number of registrants will stabilize at or near 1,700 dealers. Registration fees are set at \$15 per dealer. Regulations passed during FY 1986 Session have been amended and presented for legislative committee consideration. These regulations further define and clarify exemptions to registration.

The FY 1986 registrations received (2,620) include 1,558 initial registrations and 836 renewal registrations and therefore reflect a greater number than is to be expected for a given registration year period. During FY 1986, 1,558 registrations were issued, 836 renewals for FY 1987 were issued and 226 new registrations have been issued for FY 1987.

The reason for the decrease in number of renewals from FY 1986 is due to the exemption provided for, and clarified by regulation of the term "household use" pesticide. Since notification was made available to all known pesticide dealers during May 1986, it will now be up to the two field persons to pick up additional registrations through compliance inspections and enforcement programs.

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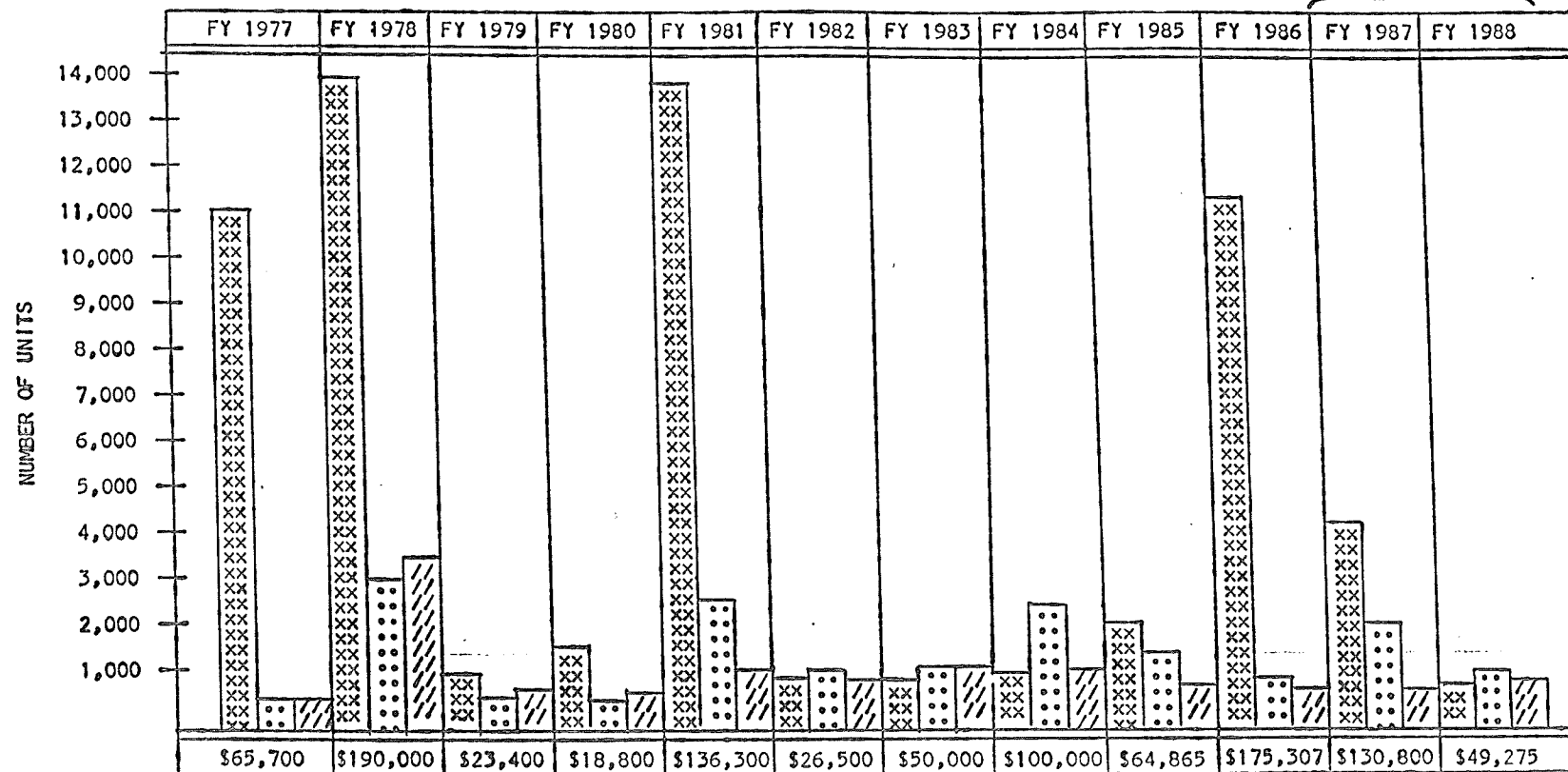
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Code

- XXXX = Private Certification
- .... = Commercial Certification Applications
- //// = Commercial Certification Exams

PESTICIDE APPLICATOR CERTIFICATION

Estimates



TOTAL FEES