

Approved: March 6, 2001  
Date

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.

# SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: February 27, 2001

NAME	REPRESENTING
Gary Meyer	KDA
Joe Lieber	KS Co-op Council
Todd Johnson	KLA
Dean Barwood	Schenck Farms / Piquette Ent.
Hal Hudson	KPCA
GREG FOREY	KDA
Doug Wareham	KGFA/KFCA



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& DIRECTORS**

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**KANSAS**

Serving the Pest Control  
Industry of Kansas Since 1948

**PEST CONTROL ASSOCIATION**

**INC**



**Statement by Hal Hudson, Executive Director  
Kansas Pest Control Association  
On Senate Bill 255  
Before the Senate Agriculture Committee**

**Tuesday, February 27, 2001**

Mr. Chairman and Members of the Committee:

My name is Hal Hudson, and I am Executive Director of the Kansas Pest Control Association. I am here today to support enactment of Senate Bill 255.

Senate Bill 255 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.

Individuals desiring to be certified in Kansas must pass an initial examination, unless they already possess certification from an adjoining state. The fee for certification in Kansas is set by statute and currently is \$35.00 per category for a 3-year period.

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 problem we seek to correct with S.B. 255 has to do with the confusion that arises from different fee structures in adjoining states. The result is that improper fees are charged to those persons seeking Kansas certification under reciprocity.

As an example, in Missouri individuals pay an annual license fee of \$50.00, which can cover a multitude of categories, but they are not charged fees for examination or certification in the individual categories. In Kansas we have separate fees for licensing, certification, and examination. As a result of this confusion, 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. However, Kansas Certified Applicators seeking the same certification in Missouri currently are charged \$0.

The changes we are seeking through S.B. 255 will eliminate this confusion and the current improper fee assessment by the Kansas Department of Agriculture. It will ensure that all persons certified under Kansas law will be treated equally and charged the proper fees as defined in Kansas statutes.

Individuals who have met requirements should not be charged more than the proper Kansas fees simply because they are from another state. We respectfully request that the Committee recommend S.B. 255 favorably, and urge its enactment by the Senate.

Senate Agriculture Committee

Date *2-27-01*

Attachment # *1*



Statement of Phillip J. Augustine  
Augustine Exterminators, Inc.  
9280 Flint, Overland Park KS

To: Senate Committee on Agriculture  
Senate Bill: 255

February 27, 2001

Thank you for giving consideration to my comments concerning Senate Bill 255.

Augustine Exterminators, Inc., currently employs 21 certified pesticide applicators and 9 registered pesticide applicators. All registered technicians are required to pass the required test and become certified within a reasonable period of time. All of these employees work in both Kansas and Missouri and therefore, must be certified or registered in both states.

Several Augustine employees have experienced problems in obtaining and maintaining their certifications in Kansas. I will provide two examples.

Mr. William Eatmon, a resident of Kansas City, Missouri, applied for and received certification as a pesticide applicator in category 7a, wood destroying pest control in July 1996. He applied for Kansas Certification under reciprocity in December 1998 and was issued a certificate effective January 1, 1999. Mr. Eatmon was required to pay an application fee of \$150.00 for his category 7 certificate effective until December 31, 2001.

On December 19, 1999, the Kansas Department of Agriculture was informed that Mr. Eatmon had also passed the Missouri examination for certification in category 7e, general pest control and the agency was asked to commence proceedings to accomplish the amendment of Mr. Eatmon's certificate to add this new subcategory.

Mr. Eatmon received a communication from the Kansas Department of Agriculture dated December 28, 1999, informing him that verification of his having passed the required examination had been received from Missouri and he needed to submit an application for certification. On January 9, 2000, Mr., Eatmon submitted the requested application asking that his certificate be amended to include subcategory 7e. The agency did not indicate that any fee should be submitted at the time of his application request.

On March 30, 2000, the agency was contacted by Augustine Exterminators and was asked why there had been no action on Mr. Eatmon's January 1, 1999 application for amendment of his certificate.

In October 2000, Mr. Eatmon received a final order dated October 12, 2000, informing him that his request for extension of the certification to cover subcategory 7e was being denied because he had not paid the demanded \$150.00 certification fee.

Senate Agriculture Committee

Date 2-27-01

Attachment # 2-1 thru 2-2

Because there is no provision in the law for fees to be assessed on a sub category basis, and since he had already paid the \$150.00 fee for category 7 certification on January 1, 1999, Mr. Eatmon assumed that no fee would be required.

In addition, it is our opinion that the \$150.00 fee the Kansas Department of Agriculture charges Missouri residents for certification in Kansas is not appropriate. It is our opinion that if the Kansas Department of Agriculture would interpret the Missouri Pesticide law correctly, the certification fee that they charge Missouri residents for certification in Kansas would not be more than \$35.00.

Augustine employee Robert Rowe qualified for and received commercial applicators certification number 121925 on January 1, 1998. This certification was for subcategory 7a, wood destroying pest control. This certificate expired December 31, 2000. Mr. Rowe applied for renewal of this certification and the certification was extended by the agency until December 31, 2003.

In February 1999, Mr. Rowe passed the required examination for subcategory 7e structural pest control. The agency issued a second certification covering this subcategory with an expiration date of December 31, 2001. This certification bears the same number as the original certificate.

Mr. Rowe has now received a letter from the Kansas Department of Agriculture informing him that he is not currently certified in category 7e. Since Mr. Rowe has in his possession a certificate which indicates that he is certified to apply pesticide in subcategory 7e until December 31, 2001 and since no action has been taken by the Kansas Department of Agriculture to revoke that certification, it is our opinion that Mr. Rowe is properly certified to apply pesticide in both subcategory 7a and 7e.

I urge you to pass Senate Bill 255 without amendment.

TESTIMONY ON SENATE BILL 255  
before  
THE SENATE COMMITTEE ON AGRICULTURE  
by  
Dean Garwood, Regulatory Entomologist

Thank you for giving me the opportunity to comment on Senate Bill 255. I support Senate Bill 255 and urge you to give it your favorable consideration.

My name is Dean Garwood. I am a regulatory entomologist with 50 years experience working with the pest control laws of Kansas. I served a Director of Entomology for the Kansas State Board of Agriculture for thirty two years during which time I was responsible for the administration and enforcement of the statute that is being amended by Senate Bill 255.

In October 1979 the secretaries of agriculture for Kansas and Missouri signed a reciprocal agreement that 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 that time 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.

Sometime subsequent to my retirement in 1988 the Kansas Department of Agriculture adopted a policy that required Missouri resident applicators to pay an application fee of \$150.00 for certification in Kansas. In my opinion the \$150.00 fee is not authorized by the statute and it is probably illegal.

Senate Bill 255 will establish without doubt that the application fee for Kansas certification of all pesticide applicators is \$35.00.

Since my retirement from state service I have been employed by several pesticide business licensees as a technical and regulatory consultant. One of my current clients is Schendel Services, Inc. of Topeka. Schendel currently has seven employees who are residents of Missouri. These employees have been required to pay the \$150.00 fee for Kansas certification. On behalf of Schendel Services, Inc. I urge you to give your favorable support to the passage of Senate Bill 255.

Thank you for your kind attention. I will be pleased to answer any questions you may have.

Senate Agriculture Committee

Date 2-27-01

Attachment # 3



STATE OF KANSAS

BILL GRAVES, GOVERNOR

Jamie Clover Adams, Secretary of Agriculture  
109 SW 9th Street  
Topeka, Kansas 66612-1280  
(785) 296-3556  
FAX: (785) 296-8389



KANSAS DEPARTMENT OF AGRICULTURE

Senate Committee on Agriculture

February 27, 2001

Testimony Regarding Senate Bill 255

Greg A. Foley, Assistant Secretary of Agriculture

Good morning Chairman Schmidt and members of the committee. I am Greg A. Foley, Assistant Secretary of the Kansas Department of Agriculture. I appear before you today in opposition to Senate Bill 255, which amends current pest control law.

**Background**

Under the Kansas Pest Control Act, the Secretary 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. Senate Bill 255 proposes to amend the law relating to the reciprocity of nonresident commercial and private applicator certificates, which are issued by the Secretary to individuals applying restricted-use pesticides. Because pesticides are an integral part of our society, we must have individuals who are properly trained, and who understand drift and other personal safety issues, applying registered products at recommended label rates.

This brings me to the importance of training requirements for applicators responsible for applying pesticides in Kansas. Current law tries to ensure that anyone, regardless of residency, is as qualified as a Kansas applicator. Reciprocal agreements are meant to ensure that each applicant is qualified to perform the work while reducing an applicant's need to take multiple tests or duplicate training.

The language that SB 255 strikes merely restates what is already required by the Constitution, which is that fees are applied equally within a state. For 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 requirements of each state. Fees a state charges are determined by each state's licensing official,

Senate Agriculture Committee

Date 2-27-01

Attachment # 4-1 thru 4-2

and they cannot be equalized from state to state if it results in a nonresident obtaining favorable treatment.

Kansas currently has Memoranda of Understanding with Missouri, Nebraska, Oklahoma and Indiana that detail which requirements will be accepted by another state. KDA opposes changes that may raise constitutional issues by creating unfair competitive advantages for Kansas applicators who try to conduct business in another state. If the reciprocity issue needs to be addressed in current law, KDA recommends removing all reciprocity language from the Act and requiring everyone — residents and nonresidents — to complete all applicable requirements for applying pesticides commercially in Kansas and imposing the same requirements for private applicators.

### **Fiscal Impact**

Although what this bill intends to accomplish is confusing, it would have no fiscal impact on the Kansas Department of Agriculture because we will continue to collect fees as we currently do.

Thank for you for the opportunity to appear before you today. I will answer your questions at the appropriate time.

**Reciprocal Certification Requirements**

The following conditions apply to each applicant who wishes to obtain commercial pesticide applicator certification in the state of Kansas based on the **Reciprocal Agreement between Missouri and Kansas**:

1. Applicant must be 18 years of age.
2. Applicant must be a resident of Missouri.
3. Applicant has taken and passed Missouri's commercial pesticide applicator certification examination(s).
4. Applicant is a commercial certified applicator and their license is current. **OR**  
 Applicant is a non-commercial certified applicator and certification is current.
5. Applicant's certification has not been suspended or revoked and no enforcement action is currently pending against the applicant.
6. Applicant must complete and submit application for commercial pesticide applicator certification.
7. Applicant must pay appropriate fees. The fee to reciprocate from Missouri is \$150.00 minimum for up to four (4) categories. Each additional category, is \$35.00. The same fees apply for commercial and non-commercial applicators reciprocating from Missouri.
8. The applicant must be certified in the following category/subcategory(ies) and will be eligible for certification in Kansas in corresponding category/subcategory(ies) if all other conditions apply:

MO Category(ies) of Certification	Corresponding Category(ies) of Certification Eligibility in Kansas	Check Box(es) that apply to you
1A Agricultural Plant 1B Agricultural Animal	1A Agricultural Plant Pest Control 1B Agricultural Animal Pest Control	
2 Forest Pest Control	2 Forest Pest Control	
3 Ornamental & Turf	3A Ornamental Pest Control 3B Turf Pest Control	
4 Seed Treatment	4 Seed Treatment	
5 Aquatic Pest Control	5 Aquatic Pest Control	
6 Right-of-Way Pest Control	6 Right-of-Way Pest Control	
7A General Pest Control 7B Termite Pest Control 7C Fumigation Pest Control	7E Structural Pest Control 7A Wood Destroying Pest Control 7B Stored Products Pest Control	
8 Public Health Pest Control	8 Public Health Pest Control (Govt. employees only) <b>OR</b> 7D Health Related Pest Control (Private bus. employees only)	
9 Regulatory Pest Control	9A Noxious Weed Control 9B Regulated Pest Control	
10 Demonstration & Research P.C.	10 Demonstration & Research P.C.	
11 Wood Products Pest Control	7F Wood Preserv./Wood Prod. Treatment	

A. 1<sup>st</sup> 4 Boxes Checked =

B. No. Add. Boxes Checked \_\_\_ X \$35.00 =

C. Total Amount of Fees Owed (Add line A & B):

**\$150.00** (~~\$150.00~~ is minimum)

Senate Agriculture Committee

Date 2-27-01

Attachment # 5



RECIPROCAL AGREEMENT

Ms/182

Sign

PERTAINING TO  
CERTIFICATION OF PESTICIDE APPLICATORS  
BETWEEN

KANSAS STATE BOARD OF AGRICULTURE

AND

MISSOURI DEPARTMENT OF AGRICULTURE

I. LEGAL AUTHORITY

This agreement is entered into by authority of Kansas Statutes Annotated, 1978 Supp. 2-2460a and Chapter 281, Section 281.075 of Missouri Pesticide Use Act.

II. PURPOSE

The purpose of this agreement is for each state to recognize on a reciprocal basis certification of commercial applicators of pesticides issued by the other state for non-resident commercial pesticide applicators who have, by methods approved pursuant to standards established under section 4 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as amended, demonstrated competency to apply pesticides within their state of residency.

III. CONDITIONS FOR COMMERCIAL APPLICATORS

1. Non-resident applicators shall pay all fees and present acceptable evidence of financial responsibility required by the laws of the reciprocating state.
2. Non-resident applicators may be required to demonstrate knowledge of pertinent pesticide laws and regulations of the reciprocating state which differ from, or are in addition to, those of the state where the applicant resides and is certified. Non-resident applicators desiring certification in any applicator category(s) or subcategory(s) of the reciprocating state may also be required to demonstrate pertinent knowledge of any specific standards appropriate to that subcategory(s). This knowledge may be demonstrated by a written examination.

Senate Agriculture Committee

Date 2-27-01

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6-1 thru 6-14

other certification program as required by the reciprocating state. The specifics of such examination or approved certification program may be subject to negotiation between the reciprocating states.

- 3. Non-resident applicators shall abide by all pertinent pesticide laws and regulations of the reciprocating state.

IV. NOTIFICATION OF VIOLATIONS

In all cases when a license (including a permit or registration) or a certification issued to a commercial applicator who has been issued certification credentials by a reciprocating state has been suspended or revoked in either state, the appropriate official of the reciprocating state shall be notified outlining the reasons for such suspension or revocation.

V. OTHER LEGAL PROVISIONS

An applicator is subject to all licensing, registration and permit requirements of each state in which the applicator desires to use pesticides.

VI. CATEGORIES

The corresponding categories for reciprocity covered by this agreement are as listed:


<u>MISSOURI</u>	<u>KANSAS</u>
1. Agricultural Pest Control	Same
(a) Agricultural Plant Pest Control	Same
(b) Agricultural Animal Pest Control	Same
2. Forest Pest Control	Same
3. Ornamental & Turf Pest Control	Ornamental & Turf Pest Control
	(a) Ornamental Pest Control
	(b) Turf Pest Control

- |   |                                   |
|---|-----------------------------------|
| 4. Seed Treatment                         | Same                              |
| 5. Aquatic Pest Control                   | Same                              |
| 6. Right-of-way Pest Control              | Same                              |
| 7. Structural Pest Control                |                                   |
| (a) General Structural Pest Control       | 7(e) Structural Pest Control      |
| (b) Termite Pest Control                  | 7(a) Wood Destroying Pest Control |
| (c) Fumigation Pest Control               | 7(b) Stored Products Pest Control |
| 8. Public Health Pest Control             | Same                              |
| 9. Regulatory Pest Control                | 9(a) Noxious Weed Control         |
|   | 9(b) Regulated Pest Control       |
| 10. Demonstration & Research Pest Control | Same                              |
| 11. Wood Products Pest Control            | 7(a) Wood Destroying Pest Control |


VII. TENURE

This agreement shall remain effective until canceled by written notice by any of the signatory parties or their authorized agent and may be subject to review and amendment as deemed necessary or appropriate as mutually agreed.

SIGNATORY PARTIES

  
 \_\_\_\_\_  
 SECRETARY  
 KANSAS STATE BOARD OF AGRICULTURE

October 2, 1979  
 \_\_\_\_\_  
 DATE

  
 \_\_\_\_\_  
 DIRECTOR  
 MISSOURI DEPARTMENT OF AGRICULTURE

October 2, 1979  
 \_\_\_\_\_  
 DATE



# STATE OF NEBRASKA

*Bunda*

DEPARTMENT OF AGRICULTURE

Ray E. Sitzman  
Director



E. Benjamin Nelson  
Governor



April 10, 1995

Mr. Gary Boutz  
Pesticide Section Administrator  
Kansas Department of Agriculture  
901 S Kansas St  
Topeka, KS 66612-1281

Dear Gary:

Enclosed is the signed reciprocal agreement for the certification of pesticide applicators between our states. Thank you for all your assistance in getting this agreement finalized.

As soon as time permits, I will forward to you information regarding our private pesticide applicator training program, and, hopefully, we can reach some sensible agreement in that area as well. Thanks again.

Sincerely,

BUREAU OF PLANT INDUSTRY

Geir Friisoe, Manager  
Pesticide/Noxious Weed Programs

GF:na

Enclosure

DEPARTMENT OF AGRICULTURE, 301 CENTENNIAL MALL SOUTH

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P.O. Box 94947  
Lincoln, NE 68509-4947  
(402) 471-2341  
FAX: (402) 471-2759

Agriculture Laboratories  
3703 South 14th Street  
Lincoln, NE 68502-5399  
(402) 471-2176  
FAX: (402) 471-0091

Bureau of Animal Industry  
P.O. Box 94787  
Lincoln, NE 68509-4787  
(402) 471-2351  
FAX: (402) 471-3252  
*An Equal Opportunity/Affirmative Action Employer*

Bureau of Dairies & Foods  
P.O. Box 95064  
Lincoln, NE 68509-5064  
(402) 471-2536  
FAX: (402) 471-3252

Bureau of Plant Industry  
P.O. Box 94756  
Lincoln, NE 68509-4756  
(402) 471-2394  
FAX: (402) 471-3252

Weights and Measures  
P.O. Box 94757  
Lincoln, NE 68509-4757  
(402) 471-4292  
FAX: (402) 471-3252

6-4

RECIPROCAL AGREEMENT  
FOR  
CERTIFICATION OF PESTICIDE APPLICATORS  
BETWEEN  
THE STATE OF KANSAS AND THE STATE OF NEBRASKA.

**I. LEGAL AUTHORITY**

This agreement is entered into by authority of the Kansas Pesticide Law K.S.A. 2-2438a et seq. and the Nebraska Pesticide Act, Neb. Rev. Stat. 2-2622 et seq.

K.S.A. 2-2443a provides in pertinent part,

"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, 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."

The Nebraska Pesticide Act, Neb. Rev. Stat. § 2-2636 provides in pertinent part,

"(1) The department shall license pesticide applicators involved in the categories established in 40 CFR 171 and any other categories established pursuant to rules and regulations necessary to meet the requirements of the state...(3) The department may waive part or all of any license examination requirements on a reciprocal basis with any other state or federal agency that has substantially the same examination standards."

**II. PURPOSE**

The purpose of this agreement is to provide for pesticide applicator certification for commercial applicators in the State of Kansas and the State of Nebraska who have demonstrated competency to apply pesticides classified for restricted use in the other state by methods approved pursuant to standards established under § 4 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as amended.

**III. DEFINITIONS**

The term "certification" is as defined in § 171.2(7) of the Code of Federal Regulations, Title 40.

The term "certified applicator" is as defined in the Neb. Rev. Stat. § 2-2624(8) and K.S.A. 2-2438a(c).

The term "commercial applicator" is as defined in § 171.2(9) of the Code of Federal Regulations, Title 40, and the Neb. Rev. Stat. § 2-2624(9).

The term "certified commercial applicator" is defined in K.S.A. 2-2438a(c)(1).

The term "certifying state" means the state in which the applicator has successfully demonstrated competency to apply restricted use pesticides.

The term "reciprocating state" means the state that provides certification based on the demonstration of competency in the certifying state.

#### IV. APPLICABILITY

This agreement shall apply to the certification of commercial applicators in the State of Kansas or the State of Nebraska in the corresponding categories set out in Appendix I.

#### V. PROCEDURES AND CONDITIONS

The reciprocating state may issue certification to an individual possessing a valid federal or state certificate without further demonstration of competency subject to the following procedures and conditions:

1. The individual seeking certification in the reciprocating state must be a resident of the certifying state. The individual seeking certification shall submit to the reciprocating state written evidence, such as a photocopy, of current valid certificate acquired through demonstrated competency or valid renewal of a certificate originally acquired by such demonstration.
2. Upon request, the certifying state shall provide proof of valid certification through demonstrated competency or valid renewal of certification initially acquired through such demonstration.
3. Upon request, the certifying state shall provide proof that such state's requirements for certification are the full equivalent of the requirements of the reciprocating state or were the full equivalent of the requirements of the reciprocating state at the time the certification was issued.
4. The applicant shall pay the appropriate certification fees, if applicable, and provide proof of financial responsibility to the reciprocating state, if required.
5. The applicant must satisfy any additional requirements of the reciprocating state that are applicable, such as special restrictions or requirements for non-residents.

6. The applicant may be required to demonstrate knowledge, by examination or participation in an approved program, of all pertinent pesticide laws and regulations of the reciprocating state which differ from or are in addition to those of the certifying state. Such demonstration shall be limited to knowledge deemed essential to the effective and safe use of pesticides in the reciprocating state.
7. The reciprocating state may deny issuance of a certificate when the reciprocating state determines that the standards of competency for each category or sub-category identified in the other federal or state certificate are not sufficiently comparable to justify waiving further demonstration of competency. In addition the reciprocating state may suspend or revoke a certificate, if the applicator's certificate has been suspended or revoked by the certifying state.

## VI. DURATION OF CERTIFICATION

Federal certification issued by Region VII of the Environmental Protection Agency (EPA) shall be recognized and shall remain in force as follows:

1. Unless sooner revoked, suspended or cancelled, EPA Region VII certification of commercial pesticide applicators shall be recognized as valid for the category(ies) or subcategory(ies) listed until the expiration date indicated but no later than July 1, 1997.

Unless suspended or revoked the certificate issued pursuant to this agreement is valid only until the expiration of the original federal or state certification unless the reciprocating state determines that the expiration date should be otherwise extended.

## VII. NOTIFICATION OF VIOLATIONS AND PROGRAM CHANGES

In all cases when certification has been suspended or cancelled or other enforcement action has been taken against the applicator in either state, the state taking enforcement action shall notify the appropriate officials of the other state and provide an explanation of the reason for such suspension, cancellation, or other action. The parties to this agreement will immediately notify each other of any substantive changes to the statutes or rules which affect the certification of any applicators subject to this agreement.

## VIII. COOPERATION ON ENFORCEMENT

Both states agree to cooperate in investigations concerning applicator's who have been granted reciprocal certification pursuant to the terms of the agreement and in administrative and/or enforcement proceedings that may result therefrom.

## IX. RECERTIFICATION

The applicator must recertify in the certifying state. Once recertified, the applicator may again request reciprocal certification from the reciprocating state. The applicator will then be eligible for certification in the reciprocating state pursuant to the terms of this agreement.

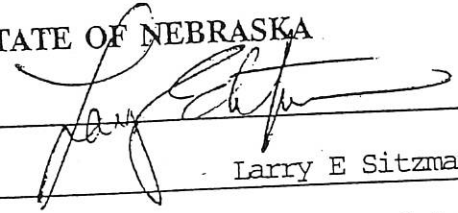
Provided that a timely and sufficient application has been made for: 1) renewal of certification with the certifying state; and 2) reciprocal certification by the reciprocating state; the reciprocal certification will not expire until the reciprocating state agency with jurisdiction has taken final action upon the application for reciprocal certification.

If the reciprocating state agency's action is unfavorable, the existing reciprocal certification will not expire until the last day for seeking administrative and/or judicial review of the reciprocating state agency's action or such later date as may be fixed by a reviewing court.


**IX. TENURE OF AGREEMENT**

This agreement shall remain effective until cancelled in writing by either of the signatory parties or their authorized agent and may be subject to renewal and amendment as deemed necessary or appropriate by the State of Kansas and the State of Nebraska.

Signed this 31<sup>st</sup> day of March, 1995.

STATE OF NEBRASKA  
 (Signature)  
Larry E Sitzman (Typed Name)  
Director of Agriculture (Title)

Signed this 30<sup>th</sup> day of March, 1995.

STATE OF KANSAS  
 (Signature)  
Alice A. Devine (Typed Name)  
Secretary of Agriculture (Title)

Attach: Appendix I



Reciprocal Agreement-Kansas/Nebraska  
Appendix I

KANSAS Categories/Subcategories	NEBRASKA\EPA Categories	NEBRASKA Categories
1a - Agricultural Plant Pest Control	01 - Agricultural Plant Pest Control	01 - Agricultural Pest Control-Plant
1b - Agricultural Animal Pest Control	02 - Agricultural Animal Pest Control	02 - Agricultural Pest Control-Animal
1c - Wildlife Damage Control	No Corresponding Category/Subcategory	No Corresponding Category/Subcategory
2 - Forest Pest Control	03 - Forest Pest Control	03 - Forest Pest Control
3a - Ornamental Pest Control 3b - Turf Pest Control	04 - Ornamental and Turf Pest Control	04 - Ornamental and Turf Pest Control
3c - Interior Landscape Pest Control	No Corresponding Category/Subcategory	No Corresponding Category/Subcategory
4 - Seed Treatment	06 - Seed Treatment	06 - Seed Treatment
5 - Aquatic Pest Control	05 - Aquatic Pest Control	05 - Aquatic Pest Control
6 - Right of Way Pest Control	07 - Right of Way Pest Control	07 - Right of Way Pest Control
7a - Wood Destroying Pest Control 7d - Health Related Pest Control 7e - Structural Pest Control	08 - Industrial, Institutional, Structural and Health Related Pest Control	08 - Structural and Health Related Pest Control
7b - Stored Product Pest Control	12a - Food Processing and Grain Handling	11 - Fumigation
7c - Industrial Weed Control	No Corresponding Category/Subcategory	No Corresponding Category/Subcategory
8 - Public Health	09 - Public Health Pest Control	09 - Public Health Pest Control
9 - Regulatory Pest Control	10 - Regulatory Pest Control**	Presently combined in category 13 immediately below.
10 - Demonstration and Research Pest Control	11 - Demonstration & Research Pest Control**	
9 - Regulatory Pest Control 10 - Demonstration & Research Pest Control	No Corresponding Category/Subcategory	13 - Regulatory/Demonstration & Research Pest Control

Reciprocal Agreement-Kansas/Nebraska  
 Appendix I - Continued

KANSAS Categories/Subcategories	NEBRASKA\EPA Categories	NEBRASKA Categories
7f - Wood Preservation and Wood Products Treatment and Pest Control	12B- Wood Preservatives	10 - Wood Preservation ✓
No Corresponding Category/Subcategory	No Corresponding Category/Subcategories	12 - Aerial Pest Control ✓

\*\* Regulatory pest control or demonstration and research pest control available only where valid Nebraska/EPA certificate holder seeks reciprocal certification in Kansas prior to expiration of Nebraska/EPA certificate or July 1, 1997, whichever is earliest in time.

Date	9/13/96	# of pages	2
From	BRIAN		
To	DEBBIE		
Co./Dept.	PESTICIDE CERT.		
Phone #	405-521-3864 x 496		
Fax #	913-296-0673		
Do	ODA/PICS		
Phone #	522-4584		
Fax #	269		

**RECIPROCAL AGREEMENT**  
**RELATIVE TO**  
**CERTIFICATION OF PESTICIDE APPLICATORS**  
**BETWEEN**  
**KANSAS STATE BOARD OF AGRICULTURE**  
**AND**  
**OKLAHOMA DEPARTMENT OF AGRICULTURE**

**LEGAL AUTHORITY**

This agreement is entered into by authority of Kansas Statutes Annotated 2-2460a and by authority of 2 O.S. Supp. 1984, Section 3-85.

**PURPOSE**

The purpose of this agreement is to be able to issue licenses or certifications on a reciprocal basis to nonresident commercial and noncommercial applicators who have demonstrated competency to apply pesticides classified for restricted use by methods approved pursuant to standards established in 7 U.S.C.A. 136b of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as amended, subject to the conditions set forth in this agreement.

**III. CONDITIONS**

**A. Commercial and Noncommercial Applicators**

1. Applicators who are licensed or certified in one reciprocating state will be eligible for licensing or certification in similar categories without additional testing by the other reciprocating state.
2. The similar categories covered by this agreement are as listed:

<u>Oklahoma</u>	<u>Kansas</u>
1A. Agricultural Plant	1. Agricultural Pest Control
1B. Agricultural Animal	A. Agricultural Plant Pest
3. Ornamental & Turf	B. Agricultural Animal
	3. Ornamental & Turf Pest Control
	A. Ornamental Pest Control
4. Seed Treatment	B. Turf Pest Control
6. Right-of-Way Pest Control	4. Seed Treatment
	6. Right-of-Way Pest Control
7A. General Pest	7. Industrial, Institutional, Structural & Health-Related
	E. Structural Pest Control

- 3. Applicants shall pay all fees, present evidence of insurance, and satisfy all other licensing requirements of the reciprocating states.
- 4. Applicants shall abide by all pertinent pesticide laws and regulations promulgated thereunder of the reciprocating state.
- 5. The reciprocating states reserve the right to examine any applicant if there is just reason to confirm his competency in the use of pesticides, or to demonstrate his knowledge of state law.
- 6. The reciprocating states reserve the right to refuse an applicant if his initial certification is from a state in which there is not a reciprocal agreement.

B. This agreement shall apply to all nonresidents licensed or certified to apply pesticides classified for restricted use as noncommercial or commercial applicators so long as such license or certification has not been cancelled or suspended for cause by the state issuing the license or certification on which the issuance of the reciprocal certification or license is based.

IV. NOTIFICATION OF VIOLATIONS

In all cases, when a license or certification has been suspended or revoked in either state, the appropriate official of the reciprocating state shall be notified immediately, outlining the reasons for such suspension or revocation.

V. KANSAS CANNOT, BY LAW, ISSUE BUSINESS LICENSES ON A RECIPROCAL BASIS.

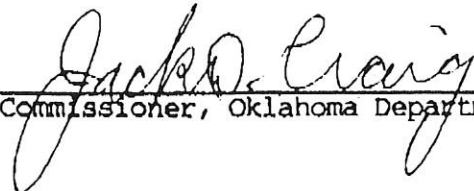
VI. TENURE

This agreement shall remain effective until cancelled by either of the signatory parties or their authorized agent and may be subject to review and amendment as deemed necessary or appropriate as mutually agreed.

SIGNATORY PARTIES

  
 \_\_\_\_\_  
 Secretary, Kansas State Board of Agriculture

March 3, 1987  
 Date

  
 \_\_\_\_\_  
 Commissioner, Oklahoma Department of Agriculture

3/18/87  
 Date

RECIPROCAL AGREEMENT RELATIVE TO  
CERTIFICATION OF PESTICIDE APPLICATORS  
BETWEEN  
OFFICE OF THE INDIANA STATE CHEMIST  
AND  
KANSAS STATE BOARD OF AGRICULTURE

I. LEGAL AUTHORITY

This agreement is entered into by authority of I.C.  
15-3-3, 6-22, and KSA 1979 Supp. 2-2443a. and KSA 1979 Supp.  
2-2460a.

II. PURPOSE

The purpose of this agreement is to issue certifications on a reciprocal basis to non-resident commercial, applicators who have, by methods approved pursuant to standards established under Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, demonstrated competency to apply pesticides classified for restricted use subject to the conditions set forth in this agreement.

III. CONDITIONS

A. Commercial applicators

1. Applicators who have been tested and licensed or certified in one reciprocating state, will be eligible for certification in similar categories without additional testing by other reciprocating states.



2. The reciprocal categories covered by this agreement are as listed.:

KANSAS

INDIANA

(6) Right-of-way Pest Control

(6) Right-of-way Pest Control

(a) Ground

(b) Aerial

3. Applicants shall pay all fees, present evidence of financial responsibility, and satisfy all other licensing requirements of the reciprocating states.
  4. Applicants shall abide by all pertinent pesticide laws and regulations promulgated thereunder of the reciprocating states.
  5. The reciprocating states reserve the right to examine any applicant or to require the applicant either to demonstrate his or her competency in the use of pesticides or to demonstrate his knowledge of state law.
- B. This agreement shall apply to all non-residents of the reciprocating state certified to apply pesticides classified for restricted use as commercial applicators so long as such certification is maintained and has not been cancelled or suspended for cause by the state issuing the certification on which the issuance of the reciprocal certification is based.

NOTIFICATION OF VIOLATIONS

In all cases when certification has lapsed or has been suspended or revoked in either state, the appropriate official of the reciprocating state shall be notified immediately. The reasons for suspension or revocation shall be outlined in the notice.

V. FEES

Applicable fees shall be paid in each state provided that Kansas fees for reciprocal applicants shall not be less than any comparable fees charged by the applicants state to Kansas certificate holders.

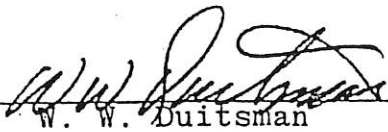
VI. BUSINESS LICENSE

Business licenses will not be issued on a reciprocal basis.


VII. TENURE

This agreement shall remain effective until cancelled by either of the signatory parties or their authorized agent and may be subject to review and amendment as deemed necessary or appropriate as mutually agreed.

SIGNATORY PARTIES

  
\_\_\_\_\_  
W. W. Duitsman  
Secretary of Agriculture  
Kansas Department of Agriculture

4-16-80  
Date

  
\_\_\_\_\_  
E. D. Schall  
State Chemist  
Purdue University

4/25/80  
Date

A CONCURRENT RESOLUTION, expressing support for agricultural biotechnology.

WHEREAS, advances in molecular biology have resulted in what is known as recombinant DNA technology or "genetic engineering" with the ability to more quickly move genetic material between plant organisms than we could in the past; and

WHEREAS, agricultural biotechnology refers to the technique that uses living plant organisms or parts thereof to make or modify a product or plants for specific uses; and

WHEREAS, traditional biotechnology, breeding and selection, has been used by humankind for thousands of years for the improvement of plants, animals, and microorganisms; and

WHEREAS, biotechnology research is now being used to increase the productivity of crops, to improve the quality of life by developing new high-yielding crops that require fewer inputs and conserve natural resources in order to increase the food supply for the increasing human population, to produce more nutritious foods with longer shelf lives, and to continue to provide consumers with high-quality, low-cost food products; and

WHEREAS, federal law requires that all foods and food ingredients, including those produced by biotechnology, be extensively reviewed for safety by the United States Food and Drug Administration and meet the provision of the Federal Food, Drug, and Cosmetics Act before they can be sold to consumers and any changes to a food product that alters the chemical, nutritional, or allergenicity of that product should be disclosed to the consumer of the product; and

WHEREAS, federal regulatory agencies must be prepared to recognize changes taking place within the crop production industry; and

WHEREAS, organic crop products currently enjoy a threshold of 5% for the possible commingling of conventionally grown crops; and

WHEREAS, a September 1999 Gallup Poll found that Americans most familiar with modern biotechnology are also the most supportive of its use to improve our food supply and that more than three-fourths of Americans are confident in the federal government to ensure the safety of the nation's food supply; and

WHEREAS, a multitude of eminent scientists and universities across the world have pledged their support for current and future applications from biotechnology for the protection of and improvement to human and environmental health:

NOW, THEREFORE, be it resolved, by the Senate of the State of Kansas, the House of

Representatives concurring therein, that the Kansas Legislature believe that further advances in modern biotechnology may result in improved crops, for example, the

Senate Agriculture Committee  
Date

2-27-01

Attachment # 7-1 thru 7-2

deficiencies that afflict hundreds of millions of people worldwide or that can be used to produce life-saving vaccines and biodegradable plastics;

*Be it further resolved:* That the Kansas Legislature supports the responsible use of crop biotechnology to benefit people in the state, the nation, and the world, and the global environment through high-yield agricultural production;

*Be it further resolved:* That the Kansas Legislature believes that discoveries made in crop biotechnology can significantly enhance our quality of life, from the medicines we use, to the food we eat, to the environment in which we live;

*Be it further resolved:* That the Kansas Legislature acknowledges and recognizes that federal oversight by the United States Environmental Protection Agency, United States Department of Agriculture, and the Food and Drug Administration over foods and food ingredients, whether produced by biotechnology or conventional means is necessary to ensure and maintain a safe and stable food supply;

*Be it further resolved:* That the Kansas Legislature recognizes that biotechnology is a rapidly developing field and that it will be appropriate to continually review federal regulatory activities to ensure new products intended for food or animal feed will only be launched in the United States after receiving full US regulatory approval for food and animal uses.

*Be it further resolved:* That the Kansas Legislature encourages FDA, USDA, and EPA to develop reasonable thresholds for the toleration of biotech product commingled with non-biotech product.

*Be it further resolved:* That the Kansas Legislature supports an international dialogue on the concerns surrounding biotechnology and further supports working toward the establishment of global standards for the quality of seed, grain, and food products.

*Be it further resolved:* That the Kansas Legislature encourages Congress to pursue international trade policy that will ensure US growers are not hampered by arbitrary standards for biotechnology-derived crops or crop products that limit their access to world markets.

*Be it further resolved:* That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States, the Administrator of the U.S. Environmental Protection Agency, the Secretary of the U.S. Department of Agriculture, the Director of the U.S. Food and Drug Administration and the Kansas Congressional Delegation.