

SESSION OF 2011

SUPPLEMENTAL NOTE ON SENATE BILL NO. 186

As Amended by Senate Committee on
Agriculture

Brief*

SB 186 would repeal KSA 2-2451, which provides notice of a hearing prior to denial, suspension, or revocation of a pesticide business license, governmental registration, or applicator's certification.

In addition, the bill would amend current law to allow the Secretary of Agriculture discretion in suspending a pesticide business license without a hearing until compliance is reached, if a pesticide business does not employ one or more commercial applicators that are certified in each type of commercial pesticide application in which the pesticide business applies. Currently, the law states the Secretary of Agriculture must suspend the license if the pesticide business is not in compliance with the law.

Background

The bill was introduced by the Senate Committee on Agriculture, as requested by an official of the Kansas Department of Agriculture (KDA).

Proponents of the bill at the Senate hearing included the KDA, the Kansas Cooperative Council (KCC), and the Kansas Agribusiness Retailers Association (KARA).

An official of the KDA stated that during the 2010 Legislative Session, 2010 SB 393 amended various statutes

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

regarding pesticide business licenses; however, 2010 SB 393 failed to amend KSA 2-2451. 2010 SB 393 was signed into law and currently, KSA 2-2451 is in conflict with the statutes that were amended by the approved legislation. The conflict occurs because the amended statutes require an opportunity for a hearing before suspension of a license and KSA 2-2451 mandates a hearing before suspension. In addition, the KDA official testified that KSA 2-2451 does not include other language that is included in the amended statutes which states a pesticide business license may be suspended automatically for the failure to employ a commercial applicator certified in each type of pesticide the business applies. The KDA official testified that the agency would be supportive of amendments to SB 186 that address these issues.

An official representing both the KCC and KARA presented amendments to the original language of SB 186. The amendment would strike Section 1 of the bill as it was introduced, repeal KSA 2-2451, and insert the word “may” for “shall” in KSA 2-2450(b). The official stated that allowing for discretion with the Secretary of Agriculture would provide flexibility for situations where there is a question regarding paperwork or the commercial business is in the process of hiring commercial applicators during seasons when certain pesticides are not actively used.

There was no neutral or opponent testimony presented at the time of the hearing.

The Senate Committee on Agriculture recommended amendments that would repeal KSA 2-2451 and inserting the word “may” for “shall” in KSA 2-2450(b).

The fiscal note prepared by the Division of the Budget on the original version of the bill indicates the bill would have no fiscal effect.