

HOUSE BILL No. 2718

By Committee on Agriculture

1-25

9 AN ACT concerning agriculture; relating to pesticide law; private appli-
10 cators certificate; amending K.S.A. 2005 Supp. 2-2445a and repealing
11 the existing section.
12

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

14 Section 1. K.S.A. 2005 Supp. 2-2445a is hereby amended to read as
15 follows: 2-2445a. In lieu of obtaining a commercial applicator's certificate
16 under the provisions of K.S.A. 2-2441a, and amendments thereto, a pri-
17 vate applicator's certificate may be applied for by and issued to individuals
18 using restricted use pesticides for the purpose of: (a) Producing any ag-
19 ricultural commodity on property owned or rented by the individual or
20 such individual's employer, ~~or on the property of another for no com-~~
21 ~~ensation other than the trading of personal services between producers;~~
22 or (b) controlling ornamental shrubbery or turf pests on property owned
23 or rented by the individual and such property is used as the individual's
24 residence. Such certificates shall expire on the anniversary of the individ-
25 ual's date of birth occurring in the fifth calendar year following the year
26 of issue. No certification shall be required hereunder for individuals op-
27 erating under the supervision of a certified private applicator.

28 Certified private applicator certificates may be issued to individuals
29 who have paid: (a) A fee fixed by rules and regulations adopted by the
30 secretary of agriculture, except that such fee shall not exceed \$10, or
31 commencing July 1, 2002, and ending June 30, 2010, such fee shall not
32 exceed \$25; and (b) who have acquired practical knowledge of pest prob-
33 lems, proper storage, use, handling and disposal of pesticides and pesti-
34 cide containers, pertinent information found on the pesticide labels, pes-
35 ticide use safety and environmental considerations, either through Kansas
36 state university extension service educational training or through individ-
37 ual study of educational materials available at county extension offices or
38 the secretary of agriculture. The certified private applicator certificate fee
39 in effect on the day preceding the effective date of this act shall continue
40 in effect until the secretary of agriculture adopts rules and regulations
41 fixing a different fee therefor under this section. Individuals shall indicate
42 adequate knowledge of the subjects enumerated herein by passing an
43 open-book examination approved by the secretary.

1 Educational materials and examination blanks shall be made available
2 at county extension offices and at places where extension educational
3 training is conducted. The examinations shall be scored by members of
4 the extension or secretary's staff. If an individual passes the examination
5 by equaling or exceeding a standard authorized by the secretary, a cer-
6 tified private applicator's certificate shall be issued to such individual.
7 Such staff member shall send a copy of the certificate issued, together
8 with the fee, to the secretary.

9 Upon the recommendation of the secretary, a certified applicator who
10 holds a current certificate to apply pesticides as a certified private appli-
11 cator in any other state or political subdivision of the United States may
12 be exempted from examination for private applicator certification in this
13 state upon payment of proper fees. Such fees shall not be less than any
14 comparable fees charged by the certified private applicator's state to Kan-
15 sas certificate holders, if such state or political subdivision's requirements
16 for certification were the full equivalent of the requirements of this state
17 at the time it was issued and if the proper authorities of the state from
18 which the applicant holds such certified private applicator's certificate, or
19 its equivalent, agree to accept on an equal basis holders of certificates
20 issued by the authorities of this state.

21 Sec. 2. K.S.A. 2005 Supp. 2-2445a is hereby repealed.

22 Sec. 3. This act shall take effect and be in force from and after its
23 publication in the statute book.