



**Testimony on SB 186
to
the House Standing Committee on Agriculture and Natural Resources**

**by Randy E. Stookey, Staff Attorney
Kansas Department of Agriculture**

March 10, 2011

Good morning Chairman Powell and members of the committee. I am Randy Stookey, staff attorney with the Kansas Department of Agriculture (KDA). I am here in support of Senate Bill 186, which amends K.S.A. 2010 Supp. 2-2450 of the Kansas pesticide law, and repeals K.S.A. 2-2451 of the Kansas pesticide law.

Last year, SB 393 amended K.S.A. 2-2449 to allow the secretary authority to deny, suspend, modify or revoke a pesticide business license for cause, after "notice and the opportunity for a hearing," rather than after "notice and a hearing." This change was made to ensure consistency with other statutes the department administers. Additionally, K.S.A. 2-2450 was amended to require the immediate suspension of a pesticide business license in any category for which a pesticide business applies pesticides but fails to employ a commercial applicator who is certified in that category.

The amendments to K.S.A. 2-2449 and 2-2450 have caused K.S.A. 2-2451 to become redundant and unnecessary. Additionally, K.S.A. 2-2451 conflicts with portions of K.S.A. 2-2449 and 2-2450, as amended. K.S.A. 2-2451 requires the Secretary to hold a hearing before a pesticide business license is suspended, rather than allow the opportunity for a hearing, as provided by K.S.A. 2010 Supp. 2-2449. K.S.A. 2-2451 also conflicts with K.S.A. 2010 Supp. 2-2450 because K.S.A. 2-2451 does not include, as a reason for which a pesticide business license shall be automatically suspended, the failure to employ a commercial applicator certified in each category in which the licensee applies pesticides.

On February 15, 2011, KDA presented SB 186 to the Senate Agriculture Committee. At that hearing, the Kansas Cooperative Council, together with the Kansas Agribusiness Retailers Association, introduced a balloon amendment to SB 186 which sought the revocation of KSA 2-2451, and proposed an amendment to KSA 2-2450 changing the mandatory suspension language "shall suspend" to the more permissive language "may suspend," if a pesticide business licensee fails to employ a commercial applicator certified in the appropriate category. The KDA agreed with the balloon amendment, and the Senate Agriculture Committee approved SB 186 as amended.

In order to allow the Secretary broader discretion regarding the suspension of a pesticide business license for a licensee's failure to employ a requisite commercial pesticide applicator, and to remove the now-redundant statutes, KDA asks the committee to approve this bill.

I appreciate the committee taking the time to hear my testimony on SB 186, and will stand for questions at the appropriate time.