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Secretary Jackie McClaskey

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**Testimony in Support of HB 2619 to  
The House Agriculture and Natural Resources Committee  
By Chad Bontrager  
Kansas Department of Agriculture  
February 12, 2018**

Chairman Hoffman and members of the committee, I am Chad Bontrager, director of the Division of Agribusiness Services for the Kansas Department of Agriculture (KDA). I appreciate the opportunity to testify in support of HB 2619 with the amendments suggested on the following pages.

HB 2619 makes the use of electronic statements of service available to pesticide applicators in Kansas. Statements of service are required for every custom application of pesticide and current law is set up for paper statements only. We recognize that as technology advances, electronic statements are a great way to speed up the process of providing service statements to customers and to reduce errors. On October 1, 2014, the Secretary of Agriculture issued a policy statement stating that any person or business required to maintain documentation under the Kansas Pesticide Law, and related rules and regulations, may do so electronically; HB 2619 puts the Secretary's policy statement into law.

Our suggested amendments to HB 2619 are simple and designed to make sure all parties involved in a pesticide application are properly documented. If the applying technician is being supervised, then we would like to have the supervisor identified on the statement of service.

Thank you for the opportunity to testify in support of HB 2619 with the proposed amendments. I will stand for questions at the appropriate time.

## HOUSE BILL NO. \_

By Committee on Agriculture

AN ACT concerning agriculture; relating to the Kansas department of agriculture; allowing any documentation required under the Kansas pesticide law to be created or maintained in electronic form; amending K.S.A. 2017 Supp. 2-2455 and repealing the existing section.

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

New Section 1. Documentation required under the provisions of the Kansas pesticide law, or any rule or regulation adopted under it, may be created and maintained in paper or electronic format, or a combination of both. Documents shall be provided upon request to the secretary or the secretary's designee in the format selected by the secretary or the secretary's designee. Any required document created or maintained in an electronic format shall be capable of being reproduced in a readable paper format.

Sec. 2. K.S.A. 2017 Supp. 2-2455 is hereby amended to read as follows: 2-2455. (a) Each pesticide business shall present to each customer for whom such business performs a pest control service involving the application of pesticides a ~~written~~ drafted statement of services or contract setting forth the following information: (1) Business name and address of the pesticide business licensee;

- (2) name and address of the customer;
- (3) pest or pests to be controlled, which may be stated in general terms;
- (4) pesticide to be used including the quantity applied and total area to which the pesticide is applied;
- (5) the concentration or rate of application, when applicable;
- (6) the date and location of the application of the pesticide;
- (7) the expiration date of all guarantees, if any be given;

(8) the signature of the individual who performed ~~or supervised the performance of~~ the pest control service or the application of pesticides;

(9) the signature of the individual who supervised the performance of the pest control service or the application of pesticides, when applicable;

(910) the wind direction and velocity, when applicable; and

(1011) that the application was less than label rate, when applicable.

(b) Whenever the service involving the application of pesticides is performed for the purpose of controlling termites, powder-post beetles, wood borers, wood-rot fungus or any other wood destroying pest, the following information shall be included in addition to that required under subsection (a): (1) The conditions under which retreatments, if any are to be made;

(2) the approximate date or dates of inspections, for any to be made after the original application of the pesticide; and

(3) a diagram of the structure to be treated, showing the location of visible evidence of active and inactive infestations by any wood destroying pest or pests for which the treatment is proposed; where a partial or spot treatment is to be made, this diagram shall also show the area or areas of the structure which are to be treated.

(c) (1) The required ~~written~~ statement of services or contract for services involving the application of pesticides may be incorporated into any business form used by the pesticide business licensee.

(2) The ~~written~~ statement of services or contract shall be presented to the customer ~~at a time established by rules and regulations promulgated by the secretary in paper format, unless the customer agrees to receive all or part of the statement of services or contract in electronic format.~~

- 3 -

(3) The pesticide business licensee shall present the statement of services or contract to the customer within 30 days of when the pest control services were provided and prior to the due date for payment of the services, if the services are not a prepaid agreement. Upon the customer's request, the statement of services or contract shall be presented to the customer no later than the close of business on the business day following the request.

(4) Upon request of the secretary or the secretary's designee, a duplicate of the statement of services or contract provided to the customer shall be made available within two business days to the secretary or the secretary's designee.

(5) Any pesticide business licensee using aerial methods of applying pesticides may present such information at any time prior to the time payment is accepted.

(6) The statement of services or contract may be signed using the legible printed names of the individual(s) who performed ~~or~~and, when applicable, supervised the performance of the pest control service or the application of pesticide.

(7) The pesticide business licensee shall retain a copy of each ~~written~~ statement of services or contract in such licensee's files for a period of three years from the expiration date of any ~~written~~ statement of services or contract.

(8) Each pesticide business licensee shall faithfully carry out the stipulations set forth in any ~~written~~ statement of services or contract prepared by such licensee or any of its representatives.

(d) Each pesticide business licensee shall make available to the secretary upon request, a copy of any ~~written~~ statement of services or contract, records of all pesticide applications during any specified period, records of all employees who performed any service involving, or in conjunction with, the application of pesticides and any other requested information pertinent to

the administration of this act or any rule or regulation adopted hereunder by the secretary. (e)

The secretary shall require certified commercial applicators who are not employed by or otherwise acting for a business licensee to maintain records concerning applications of restricted use pesticides. The secretary shall specify by rules and regulations the information to be contained in such records, which shall be maintained for three years from the date of application of the pesticide concerned. Such records shall be open to inspection by the secretary or the secretary's ~~authorized representative~~ designee during normal business hours, and copies shall be furnished to the secretary or the secretary's ~~authorized representative~~ designee upon request.

Sec. 3. K.S.A. 2017 Supp. 2-2455 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.