

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2619

As Amended by House Committee on
Agriculture

Brief*

HB 2619, as amended, would allow documentation required under Kansas pesticide law or rules and regulations to be created and maintained in paper or electronic format and stipulates that any document created or maintained in electronic format should be capable of being reproduced in a paper format. These documents would be provided in the format requested to the Secretary of Agriculture (Secretary), or their designee, upon request.

The bill also would require statements of services or contracts to be presented to the customer in a paper format, unless the customer agrees to receive all or part of the statement of services or contract in electronic format.

In addition, the pesticide business licensee would be required to present the statement of services or contract to the customer within 30 days of the provided services and prior to the due date for payment. This would exclude statements and contracts for prepaid services. The bill would allow a customer to request a statement of service or contract, which must be presented no later than the close of business the following business day. A duplicate of the statement of services or contract provided to the customer would also be made available to the Secretary, or their designee, upon request within two business days. The bill would also require the statement of services or contract to be signed by the individual who performed and, when applicable, supervised the pest control service or application of

*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>

pesticides. The statement of services or contract may be signed using the legible printed names of the individuals or, when applicable, supervised the performance of the pest control service or application of pesticide.

Finally, the bill would make technical changes by replacing the term “authorized representative” with “designee” and remove the term “written” throughout the amended section of law.

Background

The bill was introduced by the House Committee on Agriculture at the request of a representative of the Kansas Pest Control Association.

In the House Committee hearing, representatives of the Kansas Department of Agriculture (KDA), Kansas Agribusiness Retailers Association, Kansas Agriculture Aviation Association, and Kansas Pest Control Association testified as proponents of the bill. Written-only proponent testimony was provided by the Kansas Cooperative Council. The proponents stated the bill would codify a process that was approved by the KDA and has been practiced by most in the industry since October 2014.

No neutral or opponent testimony was provided.

The House Committee amended the bill to remove the term “drafted,” and clarify, when applicable, the signature of the individual who supervised the performance of the pest control service or application of pesticides is required on statements of services or contracts.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the KDA indicates the bill would have no fiscal effect.