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MEMORANDUM

To: The House Standing Committee on Agriculture

From: The Office of Revisor of Statutes

Date: February 10, 2020

Re: HB 2463

HB 2463 would: (1) amend the current proof of financial responsibility requirements for pesticide business licensees; and (2) amend disciplinary provisions in the Kansas Pesticide Law and the Kansas Chemigation Safety Law.

Specifically, section 2 amends K.S.A. 2-2448, which, under current law, states that the secretary of agriculture shall not issue a pesticide business license until an applicant has furnished proof of financial responsibility by one of three ways: (1) A surety bond in an amount not less than \$6,000; (2) a certificate of liability insurance for not less than \$25,000 for bodily injury liability and not less than \$5,000 for property damage liability for each occurrence; or (3) a \$6,000 letter of credit from a Kansas financial institution. The bill would remove references and requirements concerning surety bonds and letters of credit. New language inserted at the end of section 2 would state that existing proofs of financial responsibility filed with the secretary shall remain valid prior to January 1, 2021. The language would also state that, on and after January 1, 2021, pesticide business licensees and applicants will be required to have a certificate of liability insurance filed with the secretary to fulfill the financial responsibility requirements of the Kansas pesticide law.

The amendments in sections 1, 4 and 5 reflect the change made in section 2.

Section 3 concerns discipline of persons regulated under the Kansas pesticide law and section 6 concerns discipline of chemigation users. Each section removes a provision that requires the secretary take disciplinary action when: (1) a regulated person has been convicted of or pleaded

guilty to a felony under the laws of the state or the United States; and (2) it has been determined that the person has not been “sufficiently rehabilitated to warrant the public trust”. Additionally, section 3 removes a provision that requires the secretary to take disciplinary action when a regulated person has had any license, certificate, registration or permit issued under the Kansas pesticide law or the pest control or pesticide use laws of any other state revoked.

HB 2463 would become effective upon publication in the statute book, on July 1, 2020.