



*Synopsis of House Committee Amendments**

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Legislative Service Commission

Sub. S.B. 217

124th General Assembly
(H. Agriculture & Natural Resources)

Delayed effective date

Specifies that the bill has a delayed effective date of July 1, 2004, with the exception of one provision that will take effect on the normal effective date, that is, on the 91st day after filing with the Secretary of State, and that involves the responsibility of an owner or operator of a pesticide application business for the acts of each employee in the handling, application, and use of pesticides.

Direct supervision of a trained serviceperson

Retains language in the bill that authorizes a trained serviceperson to apply pesticides while acting under the instructions and control of a person holding a commercial applicator license, but authorizes, rather than requires as in the House-passed version of the bill, the Director of Agriculture to adopt rules that further define what constitutes "acting under the instructions and control of a commercial applicator."

Requires the Director, in adopting any such rule, to consider the risks associated with the use of pesticide in the various pesticide-use categories, and authorizes the Director, based on consideration of the risks, to define "acting under the instructions and control of a commercial applicator" to include communications between a commercial applicator and a trained serviceperson that are conducted via landline telephone or a means of wireless communication.

Requires the Director to draft the rules in consultation with representatives of the pesticide industry.

Eliminates provisions in the bill as passed by the House that authorized the rules to allow direct supervision of a trained serviceperson to be provided by a commercial applicator via wireless telephone or two-way radio and that required the Director to review the rules every two years and revise them as necessary.

* This synopsis does not address amendments that may have been adopted on the House floor.

Training and examination of licensees

Authorizes the Director to require a person holding a commercial applicator license or a private applicator license to complete a training program instead of being required to comply with a current law re-examination requirement, authorizes the training to be provided by persons who do not work at the Department of Agriculture, and requires the Director to adopt rules establishing standards, requirements, and procedures governing examinations, re-examinations, and training.

Fees

Retains language in the House passed version of the bill requiring the amounts of all license fees that must be paid under the Pesticides Law to be established by rule rather than by statute as under existing law, but specifies that the aggregate amount of the fees that initially are established by rule after the bill's applicable effective date must be designed to cover, but not exceed, the costs incurred by the Department of Agriculture in administering the Pesticides Law, and prohibits the fees from being increased thereafter without the approval of the General Assembly.

Financial responsibility requirements

Eliminates current law requiring certain requirements that are established by rule and that concern the liability insurance or other evidence of financial responsibility that an applicant for a pesticide business license must submit to the Director to be based on the category and operation of the applicant, and instead requires the requirements to be based on the pesticide-use categories in which commercial applicators are licensed to apply pesticides for the pesticide business.

S0217.124/th

11/13/02

