

Legislative Analysis



PESTICIDE DEALER LICENSE

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Senate Bill 682

Sponsor: Sen. Michelle A. McManus

House Committee: Agriculture

Senate Committee: Agriculture

Complete to 1-15-08

A SUMMARY OF SENATE BILL 682 AS PASSED BY THE SENATE 11-6-07

The bill would amend the Natural Resources and Environmental Protection Act (NREPA) to do all of the following:

- * Establish an agricultural pesticide dealer license, with an annual license application fee of \$100. The license would expire annually on December 31.
- * Prohibit a person (other than a restricted use pesticide dealer) from distributing, selling, or offering for sale agricultural pesticides except as authorized under an annual agricultural pesticide dealer's license for each place of business.
- * Permit the Director of the Michigan Department of Agriculture (MDA) to deny, revoke, or suspend an agricultural pesticide dealer license or a restricted use pesticide dealer license for any violation of Part 83 (Pesticide Control) of NREPA or an order issued under that part, or for a conviction under Part 83, a federal pesticide law, or a pesticide law of a reciprocating state.
- * Require an agricultural pesticide dealer or restricted use pesticide dealer operating from a business location outside Michigan to maintain a registered office and a resident agent in Michigan, and to file the name, address, and telephone number of that agent with the MDA.
- * Require an agricultural pesticide dealer or a restricted use pesticide dealer who distributed an agricultural pesticide or restricted use pesticide into the state to report certain information regarding that distribution to the agricultural pesticide registrant (products must be registered for use in the state by a manufacturer or distributor).
- * Delay from December 31, 2010, to December 31, 2013, the sunset on groundwater protection fees paid by pesticide and fertilizer registrants and licensees.

MCL 324.1301 et al.

FISCAL IMPACT:

Senate Bill 682 would amend the Michigan Natural Resources and Environmental Protection Act (1994 PA 451) to define and establish a new licensing requirement for

agricultural pesticide dealers. Section 8317 currently establishes pesticide regulatory fees for private agricultural applicators and private registered applicators as defined in the act. The bill would amend Section 8317 to provide for a \$100 annual license application fee for agriculture pesticide dealers.

Section 8317 currently provides for all fees and fines received under Part 83 of the act to be deposited to the Agriculture Licensing and Inspection Fees Fund created under Section 9 of the Insect and Plant Pest Disease Act. This provision would not change under the bill.

The department cannot determine how many persons would meet the definition of agriculture pesticide dealer and therefore cannot estimate potential revenue from the proposed fee. The current year Agriculture budget (SB 222 enacted as 2007 PA 128) appropriated an additional \$200,000 in licensing and inspection fee revenue for the department's Pesticide and Plant Pest Management Program to offset reductions in General Fund support. The additional restricted revenue was appropriated in anticipation of the passage of SB 682; however, the amount of anticipated additional revenue was not supported.

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