

HOUSE BILL No. 4841

June 13, 2013, Introduced by Reps. Irwin, Lipton, LaVoy, Hobbs, Roberts, Barnett, Slavens, Singh, Switalski and Tlaib and referred to the Committee on Regulatory Reform.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 8316b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 8316B. (1) THE DEPARTMENT SHALL MAINTAIN A REGISTRY OF
2 INDIVIDUALS WHO WISH TO BE NOTIFIED BEFORE THE APPLICATION OF
3 PESTICIDES ON A PROPERTY THAT IS IMMEDIATELY ADJACENT TO THE
4 PROPERTY ON WHICH THEIR PRIMARY RESIDENCE IS LOCATED. UPON WRITTEN
5 REQUEST, THE DEPARTMENT SHALL ENTER AN INDIVIDUAL ON THE REGISTRY.
6 WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
7 ADDED THIS SECTION, THE DEPARTMENT SHALL PROVIDE ON ITS WEBSITE A
8 MEANS FOR INDIVIDUALS TO REGISTER ELECTRONICALLY.

9 (2) REGISTRATION SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING

1 INFORMATION:

2 (A) NAME, PRIMARY RESIDENCE ADDRESS OTHER THAN A POST OFFICE
3 BOX NUMBER, AND TELEPHONE NUMBER OF AN INDIVIDUAL WHO REQUESTS
4 NOTIFICATION.

5 (B) NAME, RESIDENCE ADDRESS OTHER THAN A POST OFFICE BOX
6 NUMBER, AND TELEPHONE NUMBER OF A DESIGNATED CONTACT INDIVIDUAL, IF
7 DIFFERENT FROM THE INDIVIDUAL IDENTIFIED UNDER SUBDIVISION (A).

8 (C) A LIST OF ADDRESSES OF PROPERTIES THAT ARE IMMEDIATELY
9 ADJACENT TO THE PROPERTY ON WHICH THE PRIMARY RESIDENCE OF THE
10 REGISTRANT IS LOCATED.

11 (3) THE DEPARTMENT MAY CHARGE A FEE FOR REGISTRATION TO DEFRAY
12 THE COSTS OF MAINTAINING THE REGISTRY. REGISTRATION FEES SHALL BE
13 DEPOSITED IN THE PESTICIDE NOTIFICATION REGISTRY FUND CREATED IN
14 SUBSECTION (7).

15 (4) AN INDIVIDUAL IS NOT REQUIRED TO RENEW A REGISTRATION ON
16 AN ANNUAL OR OTHER PERIODIC BASIS FOR A REGISTRATION TO REMAIN IN
17 EFFECT. HOWEVER, A REGISTRANT SHALL IMMEDIATELY NOTIFY THE
18 DEPARTMENT IF THE REGISTRANT'S ADDRESS OR CONTACT INFORMATION
19 CHANGES. THE DEPARTMENT MAY UPDATE REGISTRATION INFORMATION AND
20 REMOVE OBSOLETE REGISTRATIONS FROM THE REGISTRY.

21 (5) BEFORE A COMMERCIAL APPLICATOR APPLIES A LAWN OR
22 ORNAMENTAL PESTICIDE OTHER THAN A GENERAL-USE READY-TO-USE
23 PESTICIDE ON A PROPERTY ADDRESS LISTED ON THE REGISTRY UNDER
24 SUBSECTION (2) (A) OR (C), OTHER THAN AN APPLICATION AT THE REQUEST
25 OF THE REGISTRANT OR CONTACT INDIVIDUAL, THE COMMERCIAL APPLICATOR
26 SHALL NOTIFY THE CONTACT INDIVIDUAL ON THE REGISTRY. THE COMMERCIAL
27 APPLICATOR'S RESPONSIBILITY TO NOTIFY AN INDIVIDUAL OF AN

1 APPLICATION SHALL BE CONSIDERED DISCHARGED IF ANY OF THE FOLLOWING
2 PROVISIONS ARE COMPLIED WITH:

3 (A) TELEPHONE NOTIFICATION IS ATTEMPTED ON A BUSINESS DAY NOT
4 LESS THAN 24 HOURS BEFORE THE PESTICIDE APPLICATION.

5 (B) WRITTEN NOTIFICATION IS LEFT AT THE MAIN ENTRANCE OF THE
6 RESIDENCE OF THE CONTACT INDIVIDUAL NOT LESS THAN 24 HOURS BEFORE
7 THE PESTICIDE APPLICATION

8 (C) THE APPLICATOR OBTAINS WRITTEN AUTHORIZATION FROM THE
9 CONTACT INDIVIDUAL FOR AN ALTERNATE METHOD OF NOTIFICATION AND
10 NOTIFIES THE CONTACT INDIVIDUAL PURSUANT TO THAT METHOD.

11 (6) THIS SECTION DOES NOT APPLY TO AN APPLICATION OF
12 PESTICIDES THAT IS MADE THROUGH A CLOSED INJECTION SYSTEM.

13 (7) THE PESTICIDE NOTIFICATION REGISTRY FUND IS CREATED WITHIN
14 THE STATE TREASURY. THE STATE TREASURER MAY RECEIVE MONEY OR OTHER
15 ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE
16 TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE
17 TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
18 INVESTMENTS. MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR
19 SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.
20 THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR AUDITING
21 PURPOSES. THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
22 APPROPRIATION, ONLY TO DEFRAY THE COST OF MAINTAINING THE PESTICIDE
23 NOTIFICATION REGISTRY.