

SENATE BILL NO. 238

Introduced: 01/21/83

Referred to Committee on Agriculture, Livestock, &

Irrigation: 01/21/83

Hearing: 2/2/83

Report: 02/11/83, Do Not Pass

On Motion, 2/12/83, That The Bill Be Reconsidered. Motion
Passed.

Referred to Committee on Agriculture, Livestock, &

Irrigation: 02/12/83

Hearing: 2/16/83

On Motion, 2/21/83, That The Bill Be printed and Placed On
2nd Reading. Motion Failed.

Bill Killed.

Sponsor BILL NO. 238

INTRODUCED BY

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO THE REGULATION OF THE SALE AND USE OF PESTICIDES; AMENDING SECTIONS 80-8-105, 80-8-109, 80-8-201, 80-8-203, 80-8-204, 80-8-207, 80-8-209, 80-8-213, AND 80-8-306, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 80-8-105, MCA, is amended to read:

"80-8-105. Rules. (1) The department may adopt by reference without a public hearing regulations adopted under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. The department may, after a public hearing, adopt all rules necessary to carry out this chapter.

(2) The rules may prescribe methods of:

(a) registration, suspension or cancellation of registration, application, use or restricting use, prohibiting use, offering or exposing for sale of any pesticide;

(b) determining whether pesticides are highly toxic to man;

(c) determining standards of coloring or discoloring

for pesticides and subjecting pesticides to the requirements of 80-8-202;

(d) licensing commercial applicators, operators, and dealers, establishing methods of recordkeeping for applicators, operators, and dealers, and providing for the review of the records by the department's authorized agent and the submission of the records to the department upon written request;

(e) issuing farm applicator special-use permits and the maintenance and submission of records by farm applicators issued special-use permits;

(f) collection, examination, and standard deviation from guarantee analysis and umpire analysis of pesticides and devices;

(g) operating and maintaining equipment used by applicators;

(h) developing examinations which shall be held periodically throughout the state;

(i) establishing the form and content of all applications for licenses and permits;

(j) designating pesticides that may be sold at retail for home, yard, garden, and lawn use. The department may also limit retail sale of pesticides, up to a specific number of pounds or gallons and concentration which would be sublethal to humans and animals if small amounts of it were

1 accidentally swallowed, inhaled, sprayed, or dusted on the
2 skin.

3 (k) revoking licenses and permits;

4 (l) registering or controlling any spray adjuvant,
5 such as a wetting agent, spreading agent, deposit builder,
6 adhesive, emulsifying agent, deflocculating agent, water
7 modifier, or similar agent with or without toxic properties
8 of its own intended to be used with any other pesticide as
9 an aid to the application or effect of that other pesticide,
10 whether or not distributed in a package or container
11 separate from that of a pesticide with which it is to be
12 used;

13 (m) registering pesticide-fertilizer and other
14 chemical blends or, instead of registration, establishing
15 licensing, inspection, and fees for blending plants;

16 (n) establishing registration procedures for devices,
17 with a fee not to exceed \$5 per type of device, specifying
18 classes of devices to be registered and providing for
19 additional requirements;

20 ~~(o) imposing conditions for renewal of dealer,~~
21 ~~applicator, and operator licenses and permits, including~~
22 ~~regualification training;~~

23 ~~(p) establishing procedures for implementing and~~
24 ~~administering the civil penalties under 80-8-306; and~~

25 ~~(q) establishing fees for training courses and~~

1 ~~materials.~~

2 (3) (a) Whenever the department finds that those rules
3 are necessary to carry out the purposes and intent of this
4 chapter, the rules may relate to the time, place, manner,
5 and method of registration, ~~suspension or cancellation of~~
6 ~~registration,~~ application, or selling of the pesticides, may
7 restrict or prohibit use of pesticides in the state or in
8 designated areas during specified periods of time, and shall
9 encompass all reasonable factors which the department
10 considers necessary to prevent damage or injury to:

11 (i) persons, animals, ~~crops,~~ or pollinating insects
12 from the effect of drift or careless application;

13 (ii) the environment;

14 (iii) plants, including forage plants;

15 (iv) wildlife;

16 (v) fish and other aquatic life.

17 (b) In issuing the rules, the department shall give
18 consideration to pertinent research findings and
19 recommendations of other agencies of this state or of the
20 federal government.

21 (4) If the department finds that an emergency exists
22 which requires immediate action with regard to the
23 registration, use, or application of pesticides, the
24 department may, without notice or hearing, issue necessary
25 orders or rules to protect the public health, welfare, and

1 safety. An order or rule issued under this subsection is
 2 effective for the period prescribed by the Montana
 3 Administrative Procedure Act. If the department determines
 4 that the emergency order or rule should remain in effect, a
 5 public hearing under 80-8-106 shall be held within the above
 6 period to determine whether the order or rule should be
 7 adopted by the department.

8 (5) All rules and orders issued by the department
 9 shall be in writing, shall be entered in full in books to be
 10 kept by the department for that purpose, shall be indexed,
 11 and shall be public records open for inspection at all times
 12 during reasonable office hours. Except for orders
 13 establishing or changing rules of practice and procedure,
 14 all orders made and published by the department shall
 15 include and be based upon written findings of fact. A copy
 16 of any rule or order certified by the department shall be
 17 received in evidence in all courts of this state with the
 18 same effect as the original."

19 Section 2. Section 80-8-109, MCA, is amended to read:

20 "80-8-109. Educational programs. ~~(1) The department in~~
 21 ~~cooperation with other state and federal agencies~~ shall
 22 develop and conduct appropriate educational programs. The
 23 educational programs shall inform those individuals dealing
 24 in and applying pesticides as to correct methods of
 25 formulating, applying, storing, disposing of, handling, and

1 transporting pesticides.

2 ~~(2) In developing and administering such programs, the~~
 3 ~~department may consult other state and federal agencies, as~~
 4 ~~well as such other persons it considers necessary, and may~~
 5 ~~charge a fee for those programs commensurate with their~~
 6 ~~administration costs. The fee may not include the salary or~~
 7 ~~travel costs of any employee of the state of Montana or the~~
 8 ~~Montana university system.~~

9 ~~(3) All fees collected in any fiscal year and not~~
 10 ~~expended within that fiscal year must be placed in an~~
 11 ~~educational and manuals account of the earmarked revenue~~
 12 ~~fund for future use for that purpose."~~

13 Section 3. Section 80-8-201, MCA, is amended to read:

14 "80-8-201. Registration. (1) Every pesticide
 15 distributed, sold, or offered for sale within this state or
 16 delivered for transportation or transported in intrastate
 17 commerce or between points within this state shall be
 18 registered with the department. The registration shall be
 19 renewed annually by the manufacturer, formulator, or
 20 distributor of the pesticide. The department shall register
 21 all federally approved pesticides and those registered are
 22 subject to registration fees and all other provisions of
 23 this chapter. All registrations of pesticides expire on
 24 December 31 following the date of issuance unless otherwise
 25 terminated.

(2) The applicant for registration shall file with the department a statement including:

(a) the name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the registrant;

(b) a complete copy of the label of the pesticide, the United States environmental protection agency registration number if the pesticide is so registered, and a statement of all claims to be made for it, including directions for use;

(c) the trade and chemical name of the pesticide;

(d) if requested by the department, a full description of tests made and the results upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the pesticide was registered or last reregistered.

(3) Any pesticide imported into this state which is subject to the provisions of any federal act providing for the registration of pesticides and has been registered under the provisions of a federal act shall be registered in the state. However, the state may restrict the sale or use and application of the pesticide by type of dealer, applicator, time, and place and may establish special registrations of pesticides as outlined in subsection (8) of this section and 80-8-105(3). The annual registration fee must also be paid,

and registration information required by the department must be provided.

(4) The applicant shall pay an annual fee of ~~\$15~~ \$20 for each pesticide registered. A registration fee is not required to register on a federally approved experimental use permit. Fees collected shall be deposited in the state treasury to the credit of the general fund.

(5) The department may require the submission of the complete formula and certified analytical standards of any pesticide. If it appears to the department that the composition of the article warrants the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of 80-8-202, it shall register the article.

(6) If it does not appear to the department that the article warrants the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with this chapter, it shall notify the applicant of the manner in which the article, labeling, or other material required to be submitted fails to comply with the chapter so as to afford the applicant an opportunity to make the necessary corrections. If the applicant does not make the corrections upon receipt of the notice, the department may refuse to register the article. The department may suspend or cancel the registration of a

1 pesticide whenever it does not appear that the article or
 2 its labeling comply with this chapter or whenever it appears
 3 that the article endangers man or the general environment
 4 afforded protection under 80-8-105(3)(a). When an
 5 application for registration is refused or the department
 6 proposes to suspend or cancel a registration, the registrant
 7 may ~~appeal the department's decision~~ pursue administrative
 8 remedies under the Montana Administrative Procedure Act and
 9 rules of the department.

10 (7) Registration is not required in the case of a
 11 pesticide shipped from one plant in this state to another
 12 plant in this state by the same person.

13 (8) (a) The departments of health and environmental
 14 sciences, agriculture, and fish, wildlife, and parks shall
 15 review all applications for registration of an
 16 experimental-use permit or a registration for special local
 17 needs. The applicant shall pay a one-time fee of \$50 for a
 18 special local need or experimental use permit registration.
 19 The departments shall utilize the same requirements and
 20 standards for reviewing registrations as established by the
 21 Federal Insecticide, Fungicide, and Rodenticide Act, as
 22 amended, and regulations adopted thereunder. The department
 23 of agriculture shall provide the departments of health and
 24 environmental sciences and fish, wildlife, and parks with a
 25 complete copy of the application, related correspondence,

1 and a statement of the department of agriculture's proposed
 2 action on the application. The departments of health and
 3 environmental sciences and fish, wildlife, and parks shall
 4 approve or disapprove the application within 10 days after
 5 the receipt of the application. If the departments of health
 6 and environmental sciences, agriculture, and fish, wildlife,
 7 and parks are in agreement with the proposed registration,
 8 the department of agriculture shall issue the registration.

9 (b) The department of agriculture shall establish a
 10 time and place for an interagency conference for the
 11 purposes of resolving the registration of any pesticide or
 12 device. If two of the departments approve the proposed
 13 registration, the department of agriculture shall issue the
 14 registration.

15 (c) The registrant applying for registration shall be
 16 notified as to proposed changes in registration. If the
 17 departments cannot resolve the proposed registration
 18 following the interagency conference, the registrant may
 19 request a joint administrative hearing before the
 20 departments of agriculture, health and environmental
 21 sciences, and fish, wildlife, and parks.

22 (d) Following the interagency conference and, if
 23 requested, the administrative hearing, if the proposed
 24 registration of a pesticide or device has not been resolved,
 25 the department of agriculture shall appoint an advisory

council as outlined in 80-8-108 to resolve by majority vote the registration of any pesticide. The advisory council's recommendations on the registration shall be accepted by the departments and implemented by the department of agriculture.

(9) Pesticides registered under any federal law when canceled for sale and use in total or part by a federal agency responsible for registration are considered canceled in total or part for sale and use in Montana. The cancellation is effective on the final date of sale or use allowed under the federal law and rules or orders of the federal agency. If the federal cancellation allows existing stock to be used past the final date of cancellation, such sale or use in this state may not exceed 2 years. The department shall provide technical assistance to any person in possession of such products to insure their proper disposal, relabeling, or removal."

Section 4. Section 80-8-203, MCA, is amended to read:

"80-8-203. Commercial applicator. (1) It shall be unlawful for any person to engage in the business of applying pesticides for another without a pesticide applicator's license obtained from the department of agriculture. The application shall be accompanied by a fee of ~~\$15~~ \$50. Applicators applying for a dealer's license under this chapter shall be required to pay only a ~~\$10~~ \$30

licensing fee for the dealer's license. The provisions of this ~~section~~ subsection shall not apply to any person employed only to operate any equipment used for the application of any pesticide and in which the person has no financial interest or other control over such apparatus other than its day-to-day mechanical operation for the purpose of applying any pesticide.

(2) Each applicator shall have in his possession his license when using pesticides and shall display the license upon request of an authorized agent of the department.

~~(2)(3)~~ Public utility applicators shall be licensed in the same manner as commercial applicators, provided that public utility operators working under public utility applicators are not required to be licensed except as provided for under 80-8-205.

~~(3)(4)~~ Veterinarians licensed as provided in Title 37, chapter 18, part 3, shall not be required to be licensed to apply nonrestricted pesticides, provided that these veterinarians shall register with the department each year; provided further that the veterinarians shall be required to meet all other requirements and rules of the Montana Pesticides Act. The department shall consider the professional licensing requirements for veterinarians when adopting rules."

Section 5. Section 80-8-204, MCA, is amended to read:

1 "80-8-204. Application for applicator's license. (1)
2 Application for a pesticide applicator's license provided
3 for in 80-8-203 shall be made annually to the department
4 before applying pesticides in any calendar year, provided
5 that pesticide applicators applying for renewal of license
6 shall do so on or before May 1 of that calendar year. Any
7 applicator applying for renewal of license after May 1 shall
8 be assessed a ~~\$15~~ \$25 late licensing fee.

9 (2) An individual applying for a license to engage in
10 aerial application of pesticides shall certify on the
11 application that he has met all the federal aviation
12 administration and the department of commerce requirements
13 for aerial pesticide applicators."

14 Section 6. Section 80-8-207, MCA, is amended to read:

15 "80-8-207. Dealers. (1) It is unlawful for any person
16 to sell, offer for sale, deliver, or have delivered within
17 this state any pesticide without first procuring a license
18 from the department of agriculture for each calendar year or
19 portion thereof. A separate dealer's license and fee shall
20 be required for each location or outlet from which
21 pesticides are distributed, sold, held for sale, or offered
22 for sale. Pesticide fieldmen or salesmen employed directly
23 out of the same location or outlet and under a licensed
24 dealer shall not be required to obtain a license. The dealer
25 shall furnish the department the names and addresses of its

1 fieldmen and salesmen selling pesticides within the state.
2 A dealer shall have in his possession his license when
3 selling pesticides and shall display the license upon
4 request of an authorized agent of the department.

5 (2) The application for a license shall be accompanied
6 by a fee of ~~\$15~~ \$50. Dealers applying for renewal of license
7 shall do so on or before May 1 of that calendar year. Any
8 dealer applying for renewal of license after May 1 shall be
9 assessed a ~~\$15~~ \$25 late licensing fee.

10 (3) The dealer shall require the purchaser of any
11 restricted pesticide to exhibit his license or permit issued
12 under authority of this chapter before completing a sale.

13 (4) Dealers may make one application for two annual
14 licenses if the application is accompanied by a ~~\$15~~ \$50
15 licensing fee for each year of the state biennium.

16 (5) Pharmacists licensed as provided for in 37-7-302
17 and 37-7-303, veterinarians licensed as provided for in
18 37-18-302 and 37-18-303, and certified pharmacies licensed
19 under 37-7-321 shall not be required to be licensed to sell
20 pesticides, provided that the certified pharmacies and
21 veterinarians shall register with the department each year.
22 However, the certified pharmacies and veterinarians shall be
23 required to meet all other requirements concerning the
24 commercial sale of pesticides. The department shall take
25 into account the professional licensing requirements of

1 pharmacists, certified pharmacies, and veterinarians when
2 adopting rules."

3 Section 7. Section 80-8-209, MCA, is amended to read:

4 "80-8-209. Farm applicators. (1) Farm applicators
5 shall obtain a special-use permit prior to purchasing and
6 using any pesticide designated by the department as a
7 restricted-use pesticide. The fee for the permit is \$20.
8 The special-use permit shall be effective for 5 calendar
9 years. The department may establish a staggered years system
10 of issuing permits.

11 (2) Restricted pesticides may not be utilized by farm
12 applicators or their employees except for the purpose of
13 producing or protecting any agricultural commodity on
14 property owned, leased, or rented by such applicator ~~or as~~
15 ~~provided in (6) of this section.~~

16 (3) Farm applicators shall qualify for ~~the~~ their first
17 permit by either passing a graded written examination or
18 attending a training course approved by the department and
19 taking an ungraded written examination. The examinations and
20 course shall require and demonstrate practical knowledge of
21 the applicator's ability to:

22 (a) recognize common pests to be controlled and damage
23 caused by them;

24 (b) read and understand the label and labeling
25 information, including the common name of the pesticide(s)

1 applied, pest(s) to be controlled, timing and methods of
2 application, safety precautions, any preharvest or reentry
3 restrictions, and any specific disposal procedures;

4 (c) apply pesticides in accordance with label
5 instructions and warnings, including the ability to prepare
6 the proper concentration of pesticides to be used under
7 particular circumstances, taking into account such factors
8 as area to be covered, speed at which application equipment
9 will be driven, and the quantity dispersed in a given period
10 of operation;

11 (d) recognize local environmental situations that must
12 be considered during application to avoid contamination; and

13 (e) recognize poisoning symptoms and procedures to
14 follow in case of a pesticide accident.

15 (4) The department may require farm applicators to
16 attend a mandatory training session and pass a written
17 examination for those restricted pesticides that are
18 extremely toxic or for which an effective antidote is not
19 available. The department may require farm applicators
20 handling these pesticides to maintain use records.

21 ~~(5) Farm applicators manifesting reading disabilities~~
22 ~~may become certified to use as many as two restricted use~~
23 ~~pesticides by passing a specific oral examination on the~~
24 ~~particular pesticide(s) if the applicator documents that a~~
25 ~~certified applicator in the immediate vicinity can advise~~

~~him. The department shall require farm applicators to requalify for renewal of the 5-year permit by obtaining 100 training credits. The department shall establish by rule a uniform system of administering the requalification training credits. The department may credit only training related to the standards set forth in subsection (3).~~

(6) Provisions of this chapter relating to certification of farm applicators do not apply to any farm applicator applying nonrestricted pesticides on his own land or on lands of his neighbors if he:

(a) operates farm property and operates and maintains pesticide application equipment primarily for his own use;

(b) is not regularly engaged in the business of applying pesticides for hire and does not publicly hold himself out as a pesticide applicator;

(c) operates his pesticide application equipment only in the vicinity of his own property and for the accommodation of his immediate neighbors."

Section 8. Section 80-8-213, MCA, is amended to read:

"80-8-213. Government agencies. All state agencies, municipal corporations, or any other governmental agency shall be subject to the provisions of this chapter and rules adopted thereunder concerning the application or sale of pesticides. Applicators and operators applying pesticides and dealers selling pesticides for agencies, municipal

corporations, or any governmental agencies shall be subject to the provisions of 80-8-203 through 80-8-208 ~~and the~~. The department shall issue a limited commercial applicator's ~~operator's~~ or dealer's license ~~without a fee for an annual fee of \$50,~~ which shall be valid only when such applicator's ~~operators~~ ~~and dealers~~ ~~are~~ ~~applicator or dealer is~~ applying or selling pesticides for such agencies, provided that the jurisdictional health officer, state veterinarian, their duly authorized representatives, or governmental research personnel are exempt from this licensing requirement when applying pesticides to experimental areas. Government employees becoming certified applicators only to qualify for conducting pesticide education courses may not be charged a license fee but are limited to providing such courses. Government operators are subject to rules adopted pursuant to 80-8-205, including the license fee."

Section 9. Section 80-8-306, MCA, is amended to read:

"80-8-306. Penalties. (1) Any person convicted of violating any of the provisions of this chapter or the rules issued thereunder or who may misrepresent, impede, obstruct, hinder, or otherwise prevent or attempt to prevent the department or its duly authorized agent in performance of its duty in connection with the provisions of this chapter shall be adjudged guilty of a misdemeanor and shall be fined not less than ~~\$100~~ \$500 but not more than ~~\$500~~ \$2,500 or

1 imprisoned in the county jail for a term not to exceed 6
2 months, or both.

3 (2) The department or its authorized representative is
4 hereby authorized to apply to the district court of the
5 county or any county wherein a violation is about to occur
6 or has occurred to grant a temporary or permanent injunction
7 restraining any person from violating or continuing to
8 violate any of the provisions of this chapter or any rule
9 promulgated under the chapter notwithstanding the existence
10 of other remedies of law. When a person makes pesticide
11 applications in more than one county on a commercial basis
12 without a license or permit or operates in violation of a
13 lawful written order of the department in more than one
14 county, the district court of Lewis and Clark County has
15 concurrent jurisdiction with the district court of any other
16 county wherein a violation has occurred or is about to
17 occur, and the department may select and proceed in the
18 court most appropriate under the circumstances. The
19 injunction is to be issued without bond.

20 (3) Nothing in this chapter is to be construed as
21 requiring the department or its authorized agent to report
22 minor violations of the chapter for prosecution or for the
23 institution of seizure proceedings when it believes the
24 public interest will be best served by other remedial
25 action, by a suitable notice of warning in writing, or by a

1 lawful written order; nor is any part of this chapter to be
2 construed to apply to common carriers transporting shipments
3 tendered to them by the general public.

4 (4) Any person who with intent to defraud uses or
5 reveals information relative to formulas of products
6 acquired under the authority of 80-8-201 shall, upon
7 conviction, be fined not more than \$500 or imprisoned for
8 not more than 1 year, or both.

9 (5) (a) Any registrant, applicator, dealer, retailer,
10 or other person who violates any provision of this chapter
11 may be assessed a civil penalty by the department of not
12 more than \$1,000 for each offense. However, farm
13 applicators possessing a permit may not be assessed a civil
14 penalty over \$200 for the first offense. Assessment of a
15 civil penalty may be made in conjunction with any other
16 department order or administrative action authorized by this
17 chapter.

18 (b) No civil penalty may be assessed unless the person
19 charged was given notice and opportunity for a hearing
20 pursuant to the Montana Administrative Procedure Act.

21 (c) In determining an appropriate penalty, the
22 department shall consider the effect on the person's ability
23 to continue in business, the gravity of the violation which
24 occurred, the degree of care exercised by the offender, and
25 whether significant harm resulted to health, environment,

1 agricultural crops, or livestock. The department may issue a
2 warning or take any other appropriate action allowed by this
3 chapter.

4 (d) If the department is unable to collect such civil
5 penalty or if any person fails to pay all or a set portion
6 of the civil penalty as determined by the department, it may
7 recover such amount by action in the appropriate district
8 court."

9 NEW SECTION. Section 10. Earmarked fund. That portion
10 of all licensing, permitting, registration, and equipment
11 inspection fees collected which constitutes an increase
12 after October 1, 1983, must be deposited in the earmarked
13 revenue fund for the purpose of supporting a portion of the
14 costs of administering this chapter. The administration of
15 this chapter is to be funded from both the earmarked revenue
16 fund and the general fund because of the mutual benefits to
17 the industry and the public, as stated in 80-8-103. Reserve
18 earmarked revenue fund money may be invested by the
19 department through the board of investments. The income from
20 such investments must be credited to the proper department
21 account in the earmarked revenue fund.

22 NEW SECTION. Section 11. Codification instruction.
23 Section 10 is intended to be codified as an integral part of
24 Title 80, chapter 8.

25 NEW SECTION. Section 12. Saving clause. This act does

1 not affect rights and duties that matured, penalties that
2 were incurred, or proceedings that were begun before the
3 effective date of this act.

4 NEW SECTION. Section 13. Severability. If a part of
5 this act is invalid, all valid parts that are severable from
6 the invalid part remain in effect. If a part of this act is
7 invalid in one or more of its applications, the part remains
8 in effect in all valid applications that are severable from
9 the invalid applications.

-End-

STATE OF MONTANA

217-83
REQUEST NO.

FISCAL NOTE

Form BD-15

In compliance with a written request received January 24, 19 83, there is hereby submitted a Fiscal Note for Senate Bill 238 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

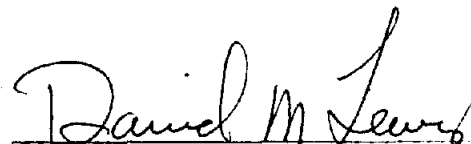
Senate Bill 238 is an act to generally revise laws relating to regulation of the sale and use of pesticides amending certain sections 80-8-109, 80-8-201, 80-8-203, 80-8-204, 80-8-207, 80-8-209, 80-8-213 and 80-8-306, MCA.

ASSUMPTIONS:

- 1) This is to be effective on October 1, 1983
- 2) One time fee will be charged for experimental use or special local need.
- 3) Government applicators and dealers are required to pay fees.
- 4) Existing stocks of cancelled products are required to be removed from state by the company within two years.
- 5) Civil penalties assessed be deposited to general fund.
- 6) Fees collected from participants in training sessions are earmarked for expenses incurred to conduct the educational courses.
- 7) Increased fees will be earmarked to support a portion of the costs of administering this chapter.
- 8) 3.5 FTE will be required to improve protection of the environment, agriculture and public health from misuse and negligent handling of pesticides and to provide increased technical assistance.
- 9) Current collections continue to be deposited in the general fund.

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
<u>Revenue:</u>		
Fees under current law to the general fund	\$ 77,866	\$ 77,866
Increased Fees under proposed law to the earmarked revenue	<u>149,634</u>	<u>149,634</u>
TOTAL REVENUE	<u>\$227,500</u>	<u>\$227,500</u>

Continued

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-28-83

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Expenditures:

Expenditures under current law
to support current level
operations

77,866

77,866

Increased expenditures under
proposed law to support
expanded program

149,634

149,634

TOTAL EXPENDITURES

\$227,500

\$227,500

FISCAL NOTE 8:S/2

SB 238