

COMMITTEE ON NATURAL RESOURCES AND RURAL AFFAIRS

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2255

(Reference to printed bill)

1 Page 1, lines 6 and 7, strike "AN ENVIRONMENTAL SERVICES DIVISION COUNCIL, KNOWN AS
2 THE" insert "A"

3 Line 30, after "FERTILIZERS" insert "FOR AGRICULTURAL USE"

4 Line 32, after "PESTICIDES" insert "FOR AGRICULTURAL USE"

5 Line 33, strike "AN INDIVIDUAL" insert "TWO INDIVIDUALS"; strike "IS A
6 PURCHASER" insert "ARE PURCHASERS"

7 Between lines 34 and 35, insert:

8 "6. AN INDIVIDUAL WHO IS ENGAGED IN THE APPLICATION OF PESTICIDES OR
9 FERTILIZERS."

10 Page 2, between lines 17 and 18, insert:

11 "Sec. 3. Section 3-268, Arizona Revised Statutes, is amended to read:
12 3-268. Inspection fees and reports; violations; classification

13 A. An inspection fee at the rate of twenty cents per ton shall be paid
14 to the department on commercial fertilizers distributed in this state by any
15 person subject to the following:

16 1. If more than one distributor is involved in the chain of
17 distribution, the one who sells directly to the ultimate consumer or to a
18 distributor exempted from a license is responsible for submitting the tonnage
19 report and the payment of inspection fees.

20 2. Distributors exempt from a license shall not be responsible for the
21 filing of tonnage reports or the payment of the inspection fees for products
22 purchased from a licensee and sold in the form in which received.

23 3. No inspection fees are required for commercial fertilizers sold or
24 exchanged between licensed manufacturers for further manufacturing or
25 processing, or for commercial fertilizers on which the inspection fee has
26 been paid by a previous manufacturer or distributor in the chain of
27 distribution.

28 4. The minimum inspection fee shall be two dollars per quarter.

1 5. The director, after opportunity for a hearing, ~~OR ON THE~~
2 ~~RECOMMENDATION OF THE PLANT HEALTH COUNCIL~~, may decrease or increase the
3 inspection fee provided in this section, but at no time shall the rate exceed
4 twenty-five cents per ton.

5 B. Each person who is liable for the payment of such fee shall:

6 1. File, not later than the last day of January, April, July and
7 October of each year, a quarterly statement, setting forth the number of net
8 tons of commercial fertilizers distributed in this state during the preceding
9 calendar quarter. ~~Upon~~ ~~ON~~ filing the statement ~~such~~ ~~THE~~ person shall pay the
10 inspection fee at the rate stated in subsection A of this section.
11 Inspection fees ~~which~~ ~~THAT~~ are due and owing and ~~THAT~~ have not been remitted
12 to the department within thirty days following the date due shall have a
13 penalty fee of ten per cent or ten dollars, whichever is larger, added to the
14 amount due when payment is finally made. The assessment of this penalty fee
15 ~~shall~~ ~~DOES~~ not prevent the director from taking other actions pursuant to
16 this article.

17 2. Keep ~~such~~ records ~~as may be~~ necessary or required by the director
18 to indicate accurately the tonnage of commercial fertilizer distributed in
19 this state. The director ~~shall have the right to~~ ~~MAY~~ examine ~~such~~ ~~THESE~~
20 records to verify statements of tonnage. Failure to make an accurate
21 statement of tonnage or to pay the inspection fee or comply as provided in
22 this section ~~shall constitute~~ ~~CONSTITUTES~~ cause for cancellation of any or
23 all commercial fertilizer licenses on file for the distributor.

24 C. Fees collected shall constitute a fund for the payment of the costs
25 of inspection, sampling, analysis and other expenses necessary for the
26 administration of this article and ~~may~~ also ~~MAY~~ be used to grant monies for
27 conducting research and education projects to advance the environmentally
28 safe and agronomically sound use and handling of fertilizer material.

29 D. The director or any officer or employee of ~~the~~ ~~THIS~~ state whose
30 duties require the compilation of reports based ~~upon~~ ~~ON~~ the information
31 required by this section who knowingly compiles or issues any false
32 information or report, or who knowingly, directly or indirectly, discloses

1 information thus obtained regarding the business of any person, except with
2 the consent of ~~such~~ THE person, or in the form of unidentifiable totals, or
3 as authorized by section 3-266, is guilty of a class 2 misdemeanor."

4 Renumber to conform

5 Page 2, after line 44, insert:

6 "Sec. 5. Section 3-272, Arizona Revised Statutes, is amended to read:
7 3-272. Commercial fertilizer license; specialty fertilizers

8 A. No person may manufacture or distribute commercial fertilizer in
9 this state without a commercial fertilizer license from the division, except
10 that no license shall be required of persons distributing only:

11 1. Commercial fertilizers to licensed manufacturers for further
12 manufacturing.

13 2. Packaged commercial fertilizer in the original packages or
14 containers of a licensee as packaged and labeled by the licensee.

15 3. Bulk commercial fertilizer in the form received from a licensee and
16 labeled as required with label information furnished by the licensee, except
17 for a net weight statement.

18 B. Applications for a license shall be made on forms prescribed by the
19 director listing each business location used in the manufacture or
20 distribution of commercial fertilizer in this state and ~~such~~ other
21 information the director requires. Applications shall be accompanied by a
22 license fee of one hundred twenty-five dollars per year for each separate
23 place of business used in the manufacture of commercial fertilizers in this
24 state. Applications of manufacturers or distributors having no established
25 place of business in this state, but otherwise subject to a license under
26 this section, shall be accompanied by a license fee of one hundred
27 twenty-five dollars per year. All licenses issued through 1998 shall expire
28 on the last day of February of the following year. Beginning in 1999, the
29 director may provide by rule for licenses having a term of one or more years
30 and may prescribe the date on which licenses expire. Licenses are not
31 transferable and no credit or refund may be granted for licenses held for
32 less than a full license year. AFTER AN OPPORTUNITY FOR A HEARING OR ON THE

1 RECOMMENDATION OF THE PLANT HEALTH COUNCIL, THE DIRECTOR MAY ADJUST THE
2 AMOUNT OF THE LICENSE FEE PRESCRIBED BY THIS SUBSECTION, BUT THE FEE SHALL
3 NOT EXCEED ONE HUNDRED TWENTY-FIVE DOLLARS PER YEAR. Monies collected from
4 license fees shall be allocated as follows:

5 1. Twenty-five dollars for each year of the license term shall be
6 allocated pursuant to section 3-269.

7 2. ~~One hundred dollars~~ THE REMAINDER OF THE FEE for each year of the
8 license term shall be deposited in the water quality assurance revolving fund
9 established by section 49-282.

10 C. In addition to the requirements of subsections A and B of this
11 section, the manufacturer or distributor whose name appears on the label of a
12 specialty fertilizer shall register each specialty fertilizer with the
13 division. The director may provide by rule for multiyear licenses.
14 Applications for registration shall be accompanied by a registration fee of
15 fifty dollars per year per brand and grade of specialty fertilizer. The
16 director ~~may~~, after opportunity for hearing, MAY decrease or increase the
17 registration fee prescribed by this subsection but at no time shall the rate
18 exceed one hundred dollars per year. For purposes of this subsection,
19 "specialty fertilizer" means a commercial fertilizer ~~which~~ THAT is
20 distributed for nonfarm use, including home gardens, lawns, golf courses,
21 parks and cemeteries."

22 Renumber to conform

23 Page 3, after line 27, insert:

24 "Sec. 7. Section 3-351, Arizona Revised Statutes, is amended to read:

25 3-351. Registration; fee; confidential information

26 A. Every pesticide that is distributed shall be registered with the
27 division. The director may provide by rule for registrations having a term
28 of one or more years and may prescribe the date on which registrations
29 expire.

30 B. The registrant shall file with the division a statement including:

31 1. The name and address of the registrant and the name and address of
32 the person whose name will appear on the label, if other than the registrant.

1 2. The name of the pesticide.

2 3. A complete copy of the labeling accompanying the pesticide and a
3 statement of all claims to be made for it including directions for use. If
4 the registrant distributes labels in a language in addition to English, the
5 registrant shall provide a copy of both labels with a signed statement that
6 the label directions have the same meaning and provide the same use
7 directions as on the written English label.

8 4. If requested by the division, a full description of the tests made
9 and the results of those tests on which the claims are based.

10 C. For a renewal of registration:

11 1. A statement shall be required only with respect to information that
12 is different from that furnished when the pesticide was registered or last
13 reregistered.

14 2. If requested by the director, a complete copy of labeling shall be
15 submitted.

16 D. Any person desiring to register under this article shall pay to the
17 division a registration fee of one hundred dollars per year for each
18 pesticide. AFTER AN OPPORTUNITY FOR A HEARING OR ON THE RECOMMENDATION OF
19 THE PLANT HEALTH COUNCIL, THE DIRECTOR MAY ADJUST THE AMOUNT OF THE
20 REGISTRATION FEE PRESCRIBED BY THIS SUBSECTION, BUT THE FEE SHALL NOT EXCEED
21 ONE HUNDRED DOLLARS PER YEAR. The monies collected from registration fees
22 shall be allocated as follows:

23 1. Twenty-five dollars for each year of the registration term shall be
24 allocated pursuant to section 3-350.

25 2. ~~Seventy-five dollars~~ THE REMAINDER OF THE FEE for each year of the
26 registration term shall be deposited in the water quality assurance revolving
27 fund established by section 49-282.

28 E. All federal, state and county offices shall register without fee
29 all pesticides sold at cost by them.

30 F. If the director deems it necessary in the administration of this
31 article, the director may require the submission of the complete formula of
32 any pesticide or the confidential statement of formula and the analytical

1 methods for the analysis of the active ingredients in the formulation. For
2 any product having a federal registration, the director may request, on
3 reasonable cause, the analytical methods for the analysis of residues of the
4 active ingredients of the pesticide in environmental media provided that this
5 information has been developed by the applicant and submitted to the United
6 States environmental protection agency. Information provided by the
7 applicant pursuant to this section shall be afforded applicable trade secret
8 and confidentiality protections. Other products exempted from federal
9 registration requirements and required to be registered under this section
10 shall be subject to this subsection.

11 G. If it appears to the director that the composition of the article
12 is such as to warrant the proposed claims for it and if the article and its
13 labeling and other material required to be submitted comply with the
14 requirements of section 3-352, the division shall register the article. If
15 the director finds that the pesticide does not warrant the proposed claims,
16 the director may request a full description of the tests conducted and the
17 results of the tests on which the claims are based. If the pesticide or its
18 labeling and other material that are required to be submitted do not comply
19 with this article, the director shall notify the applicant of the manner in
20 which the pesticide, labeling or other material fails to comply with the law
21 to afford the applicant an opportunity to make the necessary corrections. If
22 the applicant does not make the corrections and cannot support the claim on
23 the label, the director may refuse to register the pesticide.

24 H. In submitting data required by this article, the applicant shall
25 clearly mark any portions that are trade secrets or commercial or financial
26 information. The applicant shall identify as confidential information any
27 such marked material and submit it separately from other material required to
28 be submitted under this article. The information shall be kept confidential
29 by the department unless written permission to release the information is
30 granted by the registrant or on order of a court of jurisdiction.

31 I. In order to protect the public, the associate director, after a
32 hearing, may cancel the registration of a pesticide. The associate director

1 shall cancel the registration of a pesticide on notification by the director
2 of environmental quality pursuant to section 49-306 or 49-309.

3 J. Notwithstanding any other provision of this article, registration
4 is not required in the case of a pesticide shipped from one plant within the
5 state to another plant within the state operated by the same person.

6 K. A registrant who discontinues distribution of a pesticide shall
7 continue its registration in this state for three years after the
8 discontinuation to allow the remaining product to move through the channels
9 of trade. The registrant shall notify the appropriate entities within the
10 channels of trade of the effective date of the discontinuation.

11 L. REGISTRATION FEES COLLECTED CONSTITUTE A FUND FOR PAYING THE COSTS
12 OF REGISTRATION AND OTHER EXPENSES NECESSARY FOR ADMINISTERING THIS ARTICLE
13 AND ALSO MAY BE USED TO GRANT MONIES TO CONDUCT RESEARCH AND EDUCATION
14 PROJECTS TO ADVANCE THE ENVIRONMENTALLY SAFE AND AGRONOMICALLY SOUND USE AND
15 HANDLING OF PESTICIDES, INCLUDING DISPOSAL OF UNUSED PESTICIDES AND RECYCLING
16 OF PESTICIDE CONTAINERS."

17 Amend title to conform

and, as so amended, it do pass

BILL KONOPNICKI
Chairman

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