



1995 ASSEMBLY BILL 869

February 7, 1996 - Introduced by Representatives GREEN, OTT, GARD, KAUFERT, GRONEMUS, SPRINGER, F. LASEE and KLUSMAN, cosponsored by Senators COWLES, DRZEWIECKI, ANDREA and BRESKE. Referred to Committee on Agriculture.

1 **AN ACT to amend** 25.46 (4), 94.64 (3) (c) 1. a. and c., 94.64 (4) (a), 94.65 (6) (a) 1.,
2 94.68 (3) (a) 2., 94.68 (3) (br) 1. to 3., 94.68 (4) (a) 1., 94.68 (4) (b), 94.685 (3),
3 94.703 (3) (a), 94.704 (3) (a), 94.73 (1) (g) and 159.09 (3) (b); and **to create** 94.68
4 (3) (a) 1m. of the statutes; **relating to:** fees concerning pesticides, fertilizers
5 and soil and plant additives.

Analysis by the Legislative Reference Bureau

Current law requires a person who manufactures or labels pesticides for sale in this state to obtain a license from the department of agriculture, trade and consumer protection (DATCP). Each licensee must pay DATCP an annual license fee. In addition, if a licensee sells household pesticides, the licensee must pay a hazardous waste collection and disposal surcharge of \$30 for each household pesticide. Household pesticides include disinfectants, insect repellants and house and garden pesticides. For each pesticide other than a household pesticide, a licensee must pay DATCP a surcharge that is based on the volume of sales and is deposited in the agrichemical management fund.

This bill creates a new category of pesticides called industrial pesticides. A person who manufacturers or labels industrial pesticides must pay the license fee but is exempt from the surcharges imposed on other pesticide manufacturers and labelers. An industrial pesticide is an antimicrobial or a wood preservative that is not a household pesticide and that is not applied to soil or vegetation.

This bill also reduces for one year various fees related to pesticides, fertilizer and plant and soil additives that are deposited in the agrichemical management fund. The bill requires DATCP to recommend revisions to these fees.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 25.46 (4) of the statutes is amended to read:

2 25.46 (4) The moneys specified under s. 94.68 (4) (b), ~~(bm)~~ and (bt) for
3 groundwater management.

4 **SECTION 2.** 94.64 (3) (c) 1. a. and c. of the statutes are amended to read:

5 94.64 (3) (c) 1. a. For each business location and each mobile unit that the
6 applicant uses to manufacture fertilizer in this state and that is not licensed under
7 s. 94.685 or 94.703, \$50, except for the license year beginning on August 15, 1996,
8 \$25.

9 c. If the applicant distributes fertilizer but does not manufacture it in this state,
10 \$50, except for the license year beginning on August 15, 1996, \$25.

11 **SECTION 3.** 94.64 (4) (a) of the statutes is amended to read:

12 94.64 (4) (a) A person who sells or distributes fertilizer in this state shall pay
13 to the department a fee of 70 cents per ton for all fertilizers sold or distributed in this
14 state, except that the fee is 25 cents per ton for fertilizers sold or distributed in this
15 state from July 1, 1995, to June 30, 1996, with a minimum fee of \$25 for 25 tons or
16 less. This fee shall not be applicable to fertilizer materials or products sold to
17 manufacturers or exchanged between them for further manufacturing or further
18 processing. The department shall deposit the fees collected under this paragraph in
19 the agrichemical management fund.

20 **SECTION 4.** 94.65 (6) (a) 1. of the statutes is amended to read:

1 94.65 (6) (a) 1. Annually by March 31, file with the department a tonnage report
2 setting forth the number of tons of each soil or plant additive distributed during the
3 preceding year by that person or by any other person authorized under sub. (3) (a)
4 2. to distribute under the name of that person and pay to the department an
5 inspection fee of 70 cents per ton so distributed, except that the inspection fee is 25
6 cents per ton for soil or plant additives distributed during 1996. The minimum total
7 fee is \$25.

8 **SECTION 5.** 94.68 (3) (a) 1m. of the statutes is created to read:

9 94.68 (3) (a) 1m. "Industrial pesticide" means a pesticide that is an
10 antimicrobial or a wood preservative, that is not a household pesticide and that is not
11 labeled for application to soil or vegetation as an herbicide, insecticide or fungicide.

12 **SECTION 6.** 94.68 (3) (a) 2. of the statutes is amended to read:

13 94.68 (3) (a) 2. "Nonhousehold pesticide" means a pesticide that is not a
14 household pesticide or an industrial pesticide.

15 **SECTION 7.** 94.68 (3) (br) 1. to 3. of the statutes are amended to read:

16 94.68 (3) (br) 1. For no sales or sales of less than \$25,000, \$90, except that for
17 sales from October 1, 1995, to September 30, 1996, the surcharge under this
18 subdivision is \$80.

19 2. For sales equal to or greater than \$25,000, but less than \$75,000, \$340,
20 except that for sales from October 1, 1995, to September 30, 1996, the surcharge
21 under this subdivision is \$140.

22 3. For sales equal to or greater than \$75,000, an amount equal to the sum of
23 \$1,590 plus 1.3% of those sales, except that for sales from October 1, 1995, to
24 September 30, 1996, the surcharge under this subdivision is \$1,590.

25 **SECTION 8.** 94.68 (4) (a) 1. of the statutes is amended to read:

1 94.68 (4) (a) 1. An amount equal to the difference between all of the license fees
2 received under sub. (3) (b), (c) and (e) and all of the amounts deposited under pars.
3 (b), ~~(bm)~~ and (c).

4 **SECTION 9.** 94.68 (4) (b) of the statutes is amended to read:

5 94.68 (4) (b) The department shall deposit in the environmental fund for
6 groundwater management an amount equal to \$50 of the amount received for each
7 household pesticide product under sub. (3) (b), (c) and (e).

8 **SECTION 10.** 94.685 (3) of the statutes is amended to read:

9 94.685 (3) A licensee shall pay an annual license fee for each location from
10 which the licensee sells restricted-use pesticides, including any new location opened
11 during the license period. A licensee who opens a new sales location during the
12 license period may not sell a restricted-use pesticide from the new location unless
13 the licensee has paid the license fee for that new sales location. The amount of the
14 license fee is \$100 for each location, except that if the location is also licensed under
15 s. 94.703 the license fee is \$50 and except that for the license year beginning on
16 January 1, 1997, the license fee is \$50 for each location.

17 **SECTION 11.** 94.703 (3) (a) of the statutes is amended to read:

18 94.703 (3) (a) A licensee under this section shall pay an annual license fee of
19 \$125, except that for the license year beginning on January 1, 1997, the license fee
20 is \$50. If the licensee operates from more than one business location in this state,
21 the licensee shall also pay a fee of \$125 for each additional business location operated
22 by the licensee, including each new business location added during the license year,
23 except that for the license year beginning on January 1, 1997, the fee for each
24 additional business location is \$50.

1 **SECTION 12.** 94.704 (3) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
2 is amended to read:

3 94.704 (3) (a) Except as provided under par. (b), a licensee under this section
4 shall pay an annual license fee of \$60, except that for the license year beginning on
5 January 1, 1997, the license fee is \$35. The department shall deposit all license fees
6 collected under this paragraph in the agricultural management fund.

7 **SECTION 13.** 94.73 (1) (g) of the statutes is amended to read:

8 94.73 (1) (g) "Nonhousehold pesticide" ~~has the meaning given in s. 94.68 (3) (a)~~
9 ~~2. means a pesticide, as defined in s. 94.67 (25), that is not a household pesticide, as~~
10 ~~defined in s. 94.68 (3) (a) 1.,~~ except that it does not include pentachlorophenol,
11 inorganic arsenical wood preservatives and coal tar creosote.

12 **SECTION 14.** 159.09 (3) (b) of the statutes is amended to read:

13 159.09 (3) (b) Adopt an ordinance to enforce the program established under
14 sub. (2) (a). The ordinance may include a schedule of forfeitures to be imposed for
15 violations of that ordinance. The ordinance may authorize the responsible unit or
16 person designated under par. (a) to refuse to accept solid waste at the recycling
17 facility or site if the solid waste is a container for a ~~nonhousehold~~ pesticide, as defined
18 in s. 94.68 (3) (a) ~~2.~~ 94.67 (25), other than a household pesticide, as defined in s. 94.68
19 (3) (a) 1., is contaminated or is otherwise in a condition that makes recycling
20 infeasible. The ordinance may require a person to use a facility for the recycling of
21 solid waste or for the recovery of resources from solid waste, as defined in s. 159.13
22 (1) (d), only as provided under s. 159.13.

23 **SECTION 15. Nonstatutory provisions.**

24 (1) RECOMMENDATIONS FOR FEE REVISIONS. The department of agriculture, trade
25 and consumer protection shall develop recommendations for revising the fees paid

1 under sections 94.64, 94.65, 94.68, 94.685, 94.703 and 94.704 of the statutes. Under
2 the recommendations, the amount of the fees under those sections that are deposited
3 into the agrichemical management fund shall be consistent with the financial needs
4 of the agrichemical management programs of the department. The department shall
5 submit the recommendations to the legislature in the manner provided under section
6 13.172 (2) of the statutes no later than February 28, 1997.

7 (END)