



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0310/1
RCT:kmg:rs

soon (in 11/12)

VMV

This is now a cat draft

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Six Request Sheet

DN Note

Fertilizer, and feed

DON'T
GEN. CAT

* 1 AN ACT ^{DON'T GEN. CAT} relating to: payments of fees and surcharges related to pesticides,
 2 reimbursement under the Agricultural Chemical Cleanup Program, deposits to
 3 the agrichemical management fund and to the environmental fund, and the
 4 required balance in the agricultural chemical cleanup fund, grants for
 5 hazardous waste collection and disposal, grants for agriculture in the classroom
 6 programs, requiring the exercise of rule-making authority, and making an
 7 appropriation.

Analysis by the Legislative Reference Bureau
AGRICULTURE

This bill makes numerous changes related to the agrichemical management fund and moneys that are deposited in that fund.

Insert
A

Current law generally requires a person who manufactures or distributes animal feed to obtain an annual license from DATCP. A person who is required to be licensed must pay a feed inspection fee of 23 cents per ton and the fee is deposited in the agrichemical management fund. This bill increases the annual feed inspection fee for feed sold after December 31, 2003, to ~~28~~³² cents per ton or \$25, whichever is greater.

Current law generally requires a person who manufactures or labels pesticides for sale in this state to obtain an annual license from DATCP. The license year begins

on January 1. A person who is required to be licensed must pay a number of fees and surcharges when the person applies for a license. The fees and surcharges are based on sales during the 12 months ending on September 30 of the year preceding the year for which a license is sought.

Under this bill, the fees and surcharges paid by an applicant for a pesticide manufacturer or labeler license are based on sales during the 12-month period that ends on September 30 of the license year. When the person applies for a license, the person pays the fees and surcharges based on estimated sales during that 12-month period. At the end of the license year, the person pays any balance due based on actual sales or may request a refund from DATCP for any overpayment. If the person estimated that sales would be less than 90% of sales during the preceding year and the person's payment due at the end of the year is more than 20% of the payment made based on estimated sales, the person is also required to pay a penalty for underestimating.

Under current law, pesticide manufacturer or labeler license fees are deposited into the agrichemical management fund, except that \$94 for each pesticide for which a licensee pays a fee is deposited into the environmental fund, and an additional \$30 for each household pesticide for which a licensee pays a fee is deposited into the environmental fund. This bill eliminates the \$30 environmental fund deposit for each household pesticide. In addition, the bill provides that the amount deposited into the environmental fund in each fiscal year from license fees, nonhousehold pesticide cleanup surcharges, and wood preservative cleanup surcharges paid by pesticide manufacturers and labelers and groundwater fees paid by fertilizer and soil and plant additive licensees is limited to \$1,150,000. Any additional amount of those fees and surcharges is deposited into the agrichemical management fund. Under current law, there is no limit on the amount deposited into the environmental fund.

Under current law, DATCP makes grants to counties for farm chemical and container collection programs. The grants are funded from the agrichemical management fund. This bill changes the source of funding for the farm chemical and container grants to the recycling fund.

Current law requires DATCP to provide grants to an organization that conducts an agriculture in the classroom program to help teachers educate students about agriculture. The grants are funded from the agrichemical management fund.

This bill authorizes DATCP to use the appropriation for agriculture in the classroom grants, for grants for environmental research on farms, and for education related to environmental practices on farms. The bill requires DATCP to make these grants at the end of each fiscal year and prohibits DATCP from making grants in an amount that exceeds the unencumbered balance in the agrichemical management fund at the end of the fiscal year.

Current law authorizes DATCP to reduce surcharges that are deposited into the agricultural chemical cleanup fund below the amounts specified in the statutes. The law also requires DATCP to adjust the surcharge amounts as necessary to maintain a balance in the fund at the end of each fiscal year of at least \$2,000,000 but not more than \$5,000,000. This bill eliminates the minimum required

fiscal-year-end balance for the agricultural chemical cleanup fund and reduces the maximum balance to \$3,000,000.

Inset
B

Under the Agricultural Chemical Cleanup Program, DATCP pays a portion of the costs of cleaning up spills of agricultural chemicals. Currently, the payment equals 80% of eligible costs that exceed a deductible and are less than a specified maximum. This bill reduces the reimbursement rate under the Agricultural Chemical Cleanup Program from 80% to 75% of eligible costs.

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ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under current law, DNR makes grants for local programs for the collection and disposal of hazardous waste generated by households. The grants are funded from the environmental fund.

This bill transfers the household hazardous waste grant program to DATCP and changes the funding source to the agrichemical management fund.

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. 20.115 (7) (v) of the statutes is amended to read:
- 2 20.115 (7) (v) *Chemical and container disposal*. From the ~~agrichemical~~
- 3 ~~management~~ recycling fund, the amounts in the schedule for farm chemical and
- 4 container collection grants under s. 93.55 (2).
- 5 SECTION 2. 20.370 (6) (bs) of the statutes is renumbered 20.115 (7) (vm) and
- 6 amended to read:
- 7 20.115 (7) (vm) *Environmental aids—household* Household hazardous waste
- 8 disposal. From the ~~environmental~~ agrichemical management fund, the amounts in
- 9 the schedule for ~~grants to municipalities under the~~ household hazardous waste
- 10 collection and disposal ~~program~~ grants under s. ~~299.41~~ 93.55 (3).
- ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.
- 11 SECTION 3. 25.46 (2) of the statutes is repealed.
- 12 SECTION 4. 25.46 (3) of the statutes is repealed.

1 SECTION 5. 25.46 (4) of the statutes is repealed.

2 SECTION 6. 25.46 (4m) of the statutes is repealed.

3 SECTION 7. 25.46 (4s) of the statutes is repealed.

4 SECTION 8. 25.46 (4u) of the statutes is created to read:

5 25.46 (4u) The moneys specified in s. 94.80.

6 SECTION 9. 25.465 (3) of the statutes is amended to read:

7 25.465 (3) The fees collected under s. 94.681 (2), (5), and (6) (a) 3., except as

8 provided in s. ~~94.681 (7) (a)~~ 94.80.

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9 SECTION 10. 25.465 (9) of the statutes is created to read:

10 25.465 (9) The moneys specified in s. 94.80 (2).

11 SECTION 11. 93.32 (title) of the statutes is amended to read:

12 **93.32 (title) Agriculture in the classroom program and agricultural**
13 **stewardship grants.**

14 SECTION 12. 93.32 of the statutes is renumbered 93.32 (1) (intro.) and amended
15 to read:

16 93.32 (1) (intro.) ~~From~~ Subject to sub. (2), from the appropriation account
17 under s. 20.115 (4) (q), the department ~~shall provide~~ may do all of the following:

18 (a) Provide grants to the organization that conducts an agriculture in the
19 classroom program in cooperation with the federal department of agriculture to help
20 teachers educate students about agriculture.

21 SECTION 13. 93.32 (1) (b) of the statutes is created to read:

22 93.32 (1) (b) Provide grants to nonprofit organizations, governmental agencies,
23 or educational institutions for environmental research on farms operating in this
24 state and for education related to environmental practices on farms.

25 SECTION 14. 93.32 (2) of the statutes is created to read:

1 93.32 (2) The department shall pay grants under sub. (1) at the end of each
2 fiscal year and may not make grants in any fiscal year in an amount that exceeds the
3 unencumbered balance in the agrichemical management fund after moneys to cover
4 all other obligations from the fund for that fiscal year have been encumbered.

5 **SECTION 15.** 93.55 (1) (a) of the statutes is amended to read:

6 93.55 (1) (a) “~~Chemical~~ Farm chemical” means a chemical, including a
7 pesticide, that is used for agricultural purposes.

8 **SECTION 16.** 93.55 (1) (am) of the statutes is created to read:

9 93.55 (1) (am) “Household hazardous waste” means hazardous waste, as
10 defined in s. 291.01 (7), that is generated by residential households.

11 **SECTION 17.** 93.55 (2) of the statutes is amended to read:

12 93.55 (2) ~~COLLECTION~~ FARM CHEMICAL COLLECTION GRANTS. The department may
13 award a grant to a county for a farm chemical and container collection program. A
14 grant under this subsection shall fund all or a part of the cost of a program. Costs
15 eligible for funding include the cost of establishing a collection site for farm chemicals
16 and farm chemical containers, the cost of transporting farm chemical containers to
17 a dealer or distributor for refill and reuse or to a hazardous waste facility, as defined
18 in s. 291.01 (8), and costs associated with the proper use and handling and disposal
19 or recycling of farm chemicals and farm chemical containers. Grants shall be paid
20 from the appropriation under s. 20.115 (7) (v).

21 **SECTION 18.** 93.55 (4) of the statutes is created to read:

22 93.55 (4) RULES. The department shall promulgate rules for the disbursal of
23 grants under subs. (2) and (3). The rules may provide that at the end of a fiscal year
24 unexpended funds under one of those subsections may be used to reimburse grant

1 recipients under that subsection for eligible collection and disposal costs incurred in
2 excess of the amount of the grant awarded in that fiscal year.

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3 SECTION 19. 94.64 (4) (c) 4. of the statutes is repealed.

4 SECTION 20. 94.681 (1) (cm) of the statutes is created to read:

5 94.681 (1) (cm) "Payment period" means the 12 months ending on September
6 30 of the calendar year for which a license is sought under s. 94.68.

7 SECTION 21. 94.681 (2) of the statutes is repealed and recreated to read:

8 94.681 (2) ANNUAL LICENSE FEE. An applicant for a license under s. 94.68 shall
9 pay an annual license fee for each pesticide product that the applicant sells or
10 distributes for use in this state. The amount of the fee is based on sales of pesticide
11 products during the payment period. An applicant shall pay an estimated fee before
12 the start of each license year as provided in sub. (3s) (a) and shall make a fee
13 adjustment payment before the end of the license year if required under sub. (3s) (b).
14 Except as provided in sub. (5) or (6), the fee for each pesticide product is as follows:

15 (a) For each household pesticide product:

16 1. If the applicant sells less than \$25,000 of the product during the payment
17 period for use in this state, \$265.

18 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
19 during the payment period for use in this state, \$750.

20 3. If the applicant sells at least \$75,000 of the product during the payment
21 period for use in this state, \$1,500.

22 (b) For each industrial pesticide product:

23 1. If the applicant sells less than \$25,000 of the product during the payment
24 period for use in this state, \$315.

1 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
2 during the payment period for use in this state, \$860.

3 3. If the applicant sells at least \$75,000 of that product during the payment
4 period for use in this state, \$3,060.

5 (c) For each nonhousehold pesticide product:

6 1. If the applicant sells less than \$25,000 of that product during the payment
7 period for use in this state, \$320.

8 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
9 during the payment period for use in this state, \$890.

10 3. If the applicant sells at least \$75,000 of the product during the payment
11 period for use in this state, \$3,060 plus 0.2% of the gross revenues from sales of the
12 product during the payment period for use in this state.

13 **SECTION 22.** 94.681 (3) of the statutes is amended to read:

14 94.681 (3) NONHOUSEHOLD PESTICIDES; CLEANUP SURCHARGE. ~~Except for the~~
15 ~~license years that begin on January 1, 1999, and January 1, 2000, an~~ An applicant
16 for a license under s. 94.68 shall pay an agricultural chemical cleanup surcharge for
17 each nonhousehold pesticide product that the applicant sells or distributes for use
18 in this state. The amount of the surcharge is based on sales of nonhousehold
19 pesticide products during the payment period. An applicant shall pay an estimated
20 surcharge before the start of each license year as provided in sub. (3s) (a) and shall
21 make a surcharge adjustment payment before the end of the license year if required
22 by sub. (3s) (b). Except as provided in sub. (6) or under s. 94.73 (15), the amount of
23 the surcharge is as follows:

24 (a) If the applicant ~~sold~~ sells less than \$25,000 of the product during the
25 ~~preceding year~~ payment period for use in this state, \$5.

1 (b) If the applicant sold sells at least \$25,000 but less than \$75,000 of that
2 product during the preceding year payment period for use in this state, \$170.

3 (c) If the applicant sold sells at least \$75,000 of that product during the
4 preceding year payment period for use in this state, an amount equal to 1.1% of gross
5 revenues from sales of the product during the preceding year payment period for use
6 in this state.

7 **SECTION 23.** 94.681 (3m) of the statutes is amended to read:

8 **94.681 (3m) WOOD PRESERVATIVES; CLEANUP SURCHARGE.** An applicant for a
9 license under s. 94.68 shall pay an environmental cleanup surcharge for each
10 pesticide product that is not a household pesticide and is solely labeled for use on
11 wood and contains pentachlorophenol or coal tar creosote that the applicant sells or
12 distributes in this state. The amount of the surcharge is based on sales of pesticide
13 products that are not household pesticides and are solely labeled for use on wood and
14 contain pentachlorophenol or coal tar creosote during the payment period. An
15 applicant shall pay an estimated surcharge before the start of each license year as
16 provided in sub. (3s) (a) and shall make a surcharge adjustment payment before the
17 end of the license year if required by sub. (3s) (b). Except as provided in sub. (6), the
18 amount of the surcharge is as follows:

19 (a) If the applicant sold sells less than \$25,000 of the product during the
20 preceding year payment period for use in this state, \$5.

21 (b) If the applicant sold sells at least \$25,000 but less than \$75,000 of that
22 product during the preceding year payment period for use in this state, \$170.

23 (c) If the applicant sold sells at least \$75,000 of that product during the
24 preceding year payment period for use in this state, an amount equal to 1.1% of gross

1 revenues from sales of the product during the ~~preceding year~~ payment period for use
2 in this state.

3 **SECTION 24.** 94.681 (3s) of the statutes is created to read:

4 **94.681 (3s) PAYMENT OF FEES AND SURCHARGES.** (a) Before the start of a license
5 year, an applicant shall estimate the gross revenues that the applicant will receive
6 from sales of each pesticide product during the payment period that ends during the
7 year for which a license is sought under s. 94.68 and shall pay the amounts under
8 subs. (2), (3), and (3m) based on that estimate. At least 15 days before beginning to
9 sell a new pesticide product in this state, a licensee shall estimate the gross revenues
10 that the applicant will receive from sales of that pesticide product during the
11 payment period in which the licensee begins to sell the pesticide product and shall
12 pay the amounts under subs. (2), (3), and (3m) based on that estimate.

13 (b) Before the end of a license year, a licensee shall report to the department
14 the gross revenues that the licensee received from sales of each pesticide product
15 during the payment period that ended during the license year, as required under s.
16 94.68 (2) (a) 2., and shall reconcile the estimated payment made under par. (a) with
17 the amounts actually due under subs. (2), (3), and (3m) as follows:

18 1. If the amount due based on actual sales is greater than the amount paid
19 based on estimated sales, the licensee shall pay the additional amount due.

20 2. If the amount due based on actual sales is less than the amount paid based
21 on estimated sales, the licensee may request the department to reimburse the
22 licensee for the amount of the overpayment.

23 3. If the amount due based on actual sales equals the amount paid based on
24 estimated sales, no action is required.

1 (c) 1. Except as provided in subd. 2., if a licensee's total payment due under par.
2 (b) is more than 20% of the total amount paid under par. (a), the licensee shall pay
3 a penalty equal to 20% of the total amount due under par. (b). The penalty under this
4 subdivision is in addition to any late filing fee under s. 93.21 (5).

5 2. Subdivision 1. does not apply to a licensee if the licensee's payments under
6 par. (a) are based on estimates of gross revenues from sales for each pesticide product
7 that equal at least 90% of the licensee's gross revenues from sales of the pesticide
8 product during the preceding year.

9 **SECTION 25.** 94.681 (7) (a) (intro.) of the statutes is renumbered 94.681 (7) (a)
10 and amended to read:

11 94.681 (7) (a) *License fees.* The department shall deposit all license fees
12 collected under subs. (2), (5), and (6) (a) 3. in the agrichemical management fund
13 except as follows: provided in s. 94.80.

14 **SECTION 26.** 94.681 (7) (a) 1. of the statutes is repealed.

15 **SECTION 27.** 94.681 (7) (a) 2. of the statutes is repealed.

16 **SECTION 28.** 94.681 (7) (bm) of the statutes is repealed.

17 **SECTION 29.** 94.681 (7) (c) of the statutes is repealed.

18 **SECTION 30.** 94.73 (6) (b) of the statutes is amended to read:

19 94.73 (6) (b) Except as provided in pars. (c) and (e), the department shall
20 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action
21 costs incurred for each discharge site that are greater than \$3,000 and less than
22 \$400,000.

23 **SECTION 31.** 94.73 (6) (c) (intro.) of the statutes is amended to read:

24 94.73 (6) (c) (intro.) Except as provided in par. (e), the department shall
25 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action

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1 costs incurred for each discharge site that are greater than \$7,500 and less than
2 \$400,000 if any of the following applies:

3 **SECTION 32.** 94.73 (15) (a) of the statutes is amended to read:

4 94.73 (15) (a) The department may, by rule, reduce any of the surcharges in ss.
5 94.64 (3r) (b) and (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2., and 94.704
6 (3) (a) 2. below the amounts specified in those provisions. The department shall
7 adjust surcharge amounts as necessary to maintain a balance in the agricultural
8 chemical cleanup fund at the end of each fiscal year of ~~at least \$2,000,000 but not~~
9 ~~more than \$5,000,000~~ \$3,000,000, but may not increase a surcharge amount over the
10 amount specified in s. 94.64 (3r) (b) or (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703
11 (3) (a) 2., or 94.704 (3) (a) 2.

12 **SECTION 33.** 94.80 of the statutes is created to read:

13 **94.80 Environmental fund deposits.** (1) Subject to sub. (2), the department
14 shall deposit all of the following in the environmental fund:

15 (a) The fees collected under s. 94.64 (4) (a) 4.

16 (b) The fees collected under s. 94.65 (6) (a) 4.

17 (c) From the license fees collected under s. 94.681 (2), (5), and (6) (a) 3., an
18 amount equal to \$94 for each pesticide product for which an applicant pays a license
19 fee.

20 (d) The surcharges collected under s. 94.681 (3m) and (6) (a) 5.

21 (e) The fees collected under s. 94.681 (4).

22 (2) Once the amount deposited in the environmental fund under sub. (1) equals
23 \$1,150,000 in any fiscal year, the department shall deposit all additional fees
24 collected under s. 94.64 (4) (a) 4., fees collected under s. 94.65 (6) (a) 4., license fees
25 collected under s. 94.681 (2), (5), and (6) (a) 3., surcharges collected under s. 94.681

1 (3m) and (6) (a) 5., and fees collected under s. 94.681 (4) during that fiscal year in the
2 agrichemical management fund.

3 **SECTION 34.** 299.41 of the statutes is renumbered 93.55 (3) and amended to
4 read:

5 **93.55 (3) HOUSEHOLD HAZARDOUS WASTE COLLECTION GRANTS.** The department
6 shall ~~establish and~~ administer a grant program to assist municipalities and regional
7 planning commissions in creating and operating local programs for the collection and
8 disposal of household hazardous waste. Grants shall be paid from the appropriation
9 under s. 20.115 (7) (vm).

10 **SECTION 35.** 895.55 (2) (intro.) of the statutes is amended to read:

11 895.55 (2) (intro.) Notwithstanding any provision of s. 299.11, 299.13, 299.31,
12 ~~299.41, 299.43, 299.45, 299.51, 299.53, or 299.55~~, subchs. II and IV of ch. 30, ch. 29,
13 166, 281, 283, 289, 291, or 292 or subch. II of ch. 295, or any other provision of this
14 chapter, a person is immune from liability for damages resulting from the person's
15 acts or omissions and for the removal costs resulting from the person's acts or
16 omissions if all of the following conditions are met:

17 **SECTION 9304. Initial applicability; agriculture, trade and consumer**
18 **protection.**

19 (1) **AGRICULTURAL CHEMICAL CLEANUP PROGRAM REIMBURSEMENT.** The treatment
20 of section 94.73 (6) (b) and (c) (intro.) of the statutes first applies to costs incurred on
21 the effective date of this subsection.

22 **SECTION 9404. Effective dates; agriculture, trade and consumer**
23 **protection.**

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: fees and surcharges related to pesticides, fertilizer, and
 2 feed, reimbursement under the agricultural chemical cleanup program,
 3 deposits to the agrichemical management fund and to the environmental fund,
 4 and the required balance in the agricultural chemical cleanup fund, grants for
 5 hazardous waste collection and disposal, grants for agriculture in the classroom
 6 programs, requiring the exercise of rule-making authority, and making an
 7 appropriation.

Analysis by the Legislative Reference Bureau

AGRICULTURE

This bill makes numerous changes related to the agrichemical management fund and moneys that are deposited in that fund.

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Current law generally requires a person who manufactures or distributes fertilizer in this state to obtain an annual license from DATCP. A person who is required to be licensed must pay several fees and surcharges to DATCP, including a basic fee of 30 cents per ton of fertilizer sold or distributed or \$25, whichever is greater. The basic fee is deposited in the agrichemical management fund. This bill increases the basic fee to 45 cents per ton for fertilizer sold or distributed after June 30, 2003, but does not change the \$25 minimum fee.

Current law requires a person who sells nonagricultural or special-use fertilizer with low percentages of nitrogen, phosphate, and potash to obtain a permit

from DATCP. The fee for this permit is currently \$25 and it is deposited in the agrichemical management fund. This bill increases the fee to \$100.

Current law generally requires a person who manufactures or distributes animal feed to obtain an annual license from DATCP. A person who is required to be licensed must pay a feed inspection fee of 23 cents per ton and the fee is deposited in the agrichemical management fund. This bill increases the annual feed inspection fee for feed sold after December 31, 2003, to 28 cents per ton or \$25, whichever is greater.

Current law generally requires a person who manufactures or labels pesticides for sale in this state to obtain an annual license from DATCP. The license year begins on January 1. A person who is required to be licensed must pay a number of fees and surcharges when the person applies for a license. The fees and surcharges are based on sales during the 12 months ending on September 30 of the year preceding the year for which a license is sought.

Under this bill, the fees and surcharges paid by an applicant for a pesticide manufacturer or labeler license are based on sales during the 12-month period that ends on September 30 of the license year. When the person applies for a license, the person pays the fees and surcharges based on estimated sales during that 12-month period. At the end of the license year, the person pays any balance due based on actual sales or may request a refund from DATCP for any overpayment. If the person estimated that sales would be less than 90% of sales during the preceding year and the person's payment due at the end of the year is more than 20% of the payment made based on estimated sales, the person is also required to pay a penalty for underestimating.

Under current law, pesticide manufacturer or labeler license fees are deposited into the agrichemical management fund, except that \$94 for each pesticide for which a licensee pays a fee is deposited into the environmental fund, and an additional \$30 for each household pesticide for which a licensee pays a fee is deposited into the environmental fund. This bill eliminates the \$30 environmental fund deposit for each household pesticide. In addition, the bill provides that the amount deposited into the environmental fund in each fiscal year from license fees, nonhousehold pesticide cleanup surcharges, and wood preservative cleanup surcharges paid by pesticide manufacturers and labelers and groundwater fees paid by fertilizer and soil and plant additive licensees is limited to \$1,150,000. Any additional amount of those fees and surcharges is deposited into the agrichemical cleanup fund. Under current law, there is no limit on the amount deposited into the environmental fund.

Current law authorizes DATCP to reduce surcharges that are deposited into the agricultural chemical cleanup fund below the amounts specified in the statutes. The law also requires DATCP to adjust the surcharge amounts as necessary to maintain a balance in the fund at the end of each fiscal year of at least \$2,000,000 but not more than \$5,000,000. This bill eliminates the minimum required fiscal-year-end balance for the agricultural chemical cleanup fund and reduces the maximum balance to \$3,000,000.

Currently, a person who is licensed to manufacture or distribute fertilizer must pay an agricultural chemical cleanup surcharge of 38 cents per ton of fertilizer sold

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or distributed, unless DATCP establishes a lower surcharge by rule. DATCP rules specify a surcharge of 38 cents per ton. This bill provides that the agricultural chemical cleanup surcharge is 50 cents per ton, unless the rules specify a lower surcharge.

Under the agricultural chemical cleanup program, DATCP pays a portion of the costs of cleaning up spills of agricultural chemicals. Currently, the payment equals 80% of eligible costs that exceed a deductible and are less than a specified maximum. This bill reduces the reimbursement rate under the agricultural chemical cleanup program from 80% to 75%.

Under current law, DATCP makes grants to counties for farm chemical and container collection programs. The grants are funded from the agrichemical management fund. This bill changes the source of funding for the farm chemical and container grants to the recycling fund.

Current law requires DATCP to provide grants to an organization that conducts an agriculture in the classroom program to help teachers educate students about agriculture. The grants are funded from the agrichemical management fund.

This bill requires DATCP to pay agriculture in the classroom grants at the end of each fiscal year and prohibits DATCP from making grants in an amount that exceeds the unencumbered balance in the agrichemical management fund at the end of the fiscal year.

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under current law, DNR makes grants for local programs for the collection and disposal of hazardous waste generated by households. The grants are funded from the environmental fund.

This bill transfers the household hazardous waste grant program to DATCP and changes the funding source to the agrichemical management fund.

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.** 20.115 (7) (v) of the statutes is amended to read:
2 20.115 (7) (v) *Chemical and container disposal.* From the agrichemical
3 management recycling fund, the amounts in the schedule for farm chemical and
4 container collection grants under s. 93.55 (2).

5 **SECTION 2.** 20.370 (6) (bs) of the statutes is renumbered 20.115 (7) (vm) and
6 amended to read:

1 20.115 (7) (vm) ~~Environmental aids~~ Household hazardous waste
2 disposal. From the ~~environmental~~ agrichemical management fund, the amounts in
3 the schedule for ~~grants to municipalities under the~~ household hazardous waste
4 collection and disposal ~~program grants~~ under s. ~~299.41~~ 93.55 (3).

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 3.** 25.46 (2) of the statutes is repealed.

6 **SECTION 4.** 25.46 (3) of the statutes is repealed.

7 **SECTION 5.** 25.46 (4) of the statutes is repealed.

8 **SECTION 6.** 25.46 (4m) of the statutes is repealed.

9 **SECTION 7.** 25.46 (4s) of the statutes is repealed.

10 **SECTION 8.** 25.46 (4u) of the statutes is created to read:

11 25.46 (4u) The moneys specified in s. 94.80.

12 **SECTION 9.** 25.465 (3) of the statutes is amended to read:

13 25.465 (3) The fees collected under s. 94.681 (2), (5), and (6) (a) 3., except as
14 provided in s. 94.681 (7) (a) 94.80.

15 **SECTION 10.** 25.465 (8) of the statutes is amended to read:

16 25.465 (8) The fees collected under s. 94.72 (5) (b) and (6) (a) ~~1. and 2.~~ and 2m.
17 and (i).

18 **SECTION 11.** 25.465 (9) of the statutes is created to read:

19 25.465 (9) The moneys specified in s. 94.80 (2).

20 **SECTION 12.** 93.32 of the statutes is renumbered 93.32 (1) and amended to read:

21 93.32 (1) ~~From Subject to sub/~~ (2), from the appropriation account under s.
22 20.115 (4) (q), the department shall provide grants to the organization that conducts

✓
15
Insert
16
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17

1 93.55 (4) RULES. The department shall promulgate rules for the disbursement of
2 grants under subs. (2) and (3). The rules may provide that at the end of a fiscal year
3 unexpended funds under one of those subsections may be used to reimburse grant
4 recipients under that subsection for eligible collection and disposal costs incurred in
5 excess of the amount of the grant awarded in that fiscal year.

6 **SECTION 18.** 94.64 (3m) (b) (intro.) of the statutes is amended to read:

7 94.64 (3m) (b) (intro.) An application for a permit under par. (a) 2. shall be on
8 a form prescribed by the department and shall be accompanied by a proposed product
9 label and a nonrefundable fee of ~~\$25~~ \$100. The department may require that the
10 applicant substantiate, by scientific evidence:

11 *Insert* **SECTION 19.** 94.64 (4) (a) 1. of the statutes is amended to read:

12 *6-2* 94.64 (4) (a) 1. A basic fee of ~~23~~ 30 cents per ton for fertilizer sold or distributed
13 ~~beginning on October 29, 1999, and ending on June 30, 2001~~ before July 1, 2003, and
14 ~~30~~ 45 cents per ton for fertilizer sold or distributed after June 30, ~~2001~~ 2003, with
15 a minimum fee of \$25.

16 **SECTION 20.** 94.64 (4) (a) 5. of the statutes is amended to read:

17 94.64 (4) (a) 5. An agricultural chemical cleanup surcharge of ~~38~~ 88 cents per
18 ton on all fertilizer that the person sells or distributes in this state ~~after June 30,~~
19 ~~1999~~, unless the department establishes a lower surcharge under s. 94.73 (15).

20 **SECTION 21.** 94.64 (4) (c) 4. of the statutes is repealed.

21 **SECTION 22.** 94.681 (1) (cm) of the statutes is created to read:

22 94.681 (1) (cm) "Payment period" means the 12 months ending on September
23 30 of the calendar year for which a license is sought under s. 94.68.

24 **SECTION 23.** 94.681 (2) of the statutes is repealed and recreated to read:

1 SECTION 27. 94.681 (7) (a) (intro.) of the statutes is renumbered 94.681 (7) (a)
2 and amended to read:

3 94.681 (7) (a) *License fees.* The department shall deposit all license fees
4 collected under subs. (2), (5), and (6) (a) 3. in the agrichemical management fund
5 except as follows: provided in s. 94.80.

6 SECTION 28. 94.681 (7) (a) 1. of the statutes is repealed.

7 SECTION 29. 94.681 (7) (a) 2. of the statutes is repealed.

8 SECTION 30. 94.681 (7) (bm) of the statutes is repealed.

9 SECTION 31. 94.681 (7) (c) of the statutes is repealed.

10 SECTION 32. 94.72 (6) (a) 1. of the statutes is repealed.

11 SECTION 33. 94.72 (6) (a) 2. of the statutes is amended to read:

12 94.72 (6) (a) 2. For commercial feeds distributed in this state ~~on or after~~ before
13 January 1, ~~2002~~ 2004, a feed inspection fee of 23 cents per ton.

14 SECTION 34. 94.72 (6) (a) 2m. of the statutes is created to read:

15 94.72 (6) (a) 2m. For commercial feeds distributed in this state after December
16 31, 2003, a feed inspection fee of ³⁰~~28~~ cents per ton, with a ~~minimum fee of \$25.~~

17 SECTION 35. 94.73 (6) (b) of the statutes is amended to read:

18 94.73 (6) (b) Except as provided in pars. (c) and (e), the department shall
19 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action
20 costs incurred for each discharge site that are greater than \$3,000 and less than
21 \$400,000.

22 SECTION 36. 94.73 (6) (c) (intro.) of the statutes is amended to read:

23 94.73 (6) (c) (intro.) Except as provided in par. (e), the department shall
24 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action

✓
Insert
10-17

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0310/1dn

RCT;

king

Bill Walker:

DATCP received a preliminary version of this draft, without the fee increases. I have had no feedback from DATCP.

Becky Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0310/1dn
RCT:kmg:jf

November 12, 2002

Bill Walker:

DATCP received a preliminary version of this draft, without the fee increases. I have had no feedback from DATCP.

Becky Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

Tradewell, Becky

From: Walker, William - DOA
Sent: Tuesday, January 14, 2003 1:39 PM
To: Tradewell, Becky
Cc: Grinde, Kirsten
Subject: FW: LRB Draft: 03-0310/1 Agrichemical management fund and agricultural chemical cleanup fund changes

Governor's decisions that affect this draft:

(Note: parenthetical numbers refer to the number of the paragraph in the LRB analysis on draft /1. I count 15 paragraphs and 13 separate provisions. References to #a or #b apply where there are two provisions in one paragraph.)

1. Include in the Draft:

- a. Raise ag chem cleanup program fertilizer tonnage surcharge cap from \$0.38 to \$0.88. (11)
- b. Fund grants to counties for farm chemical and container collection programs from the recycling fund. (7)
- c. Base ag chem fees on estimated current year sales. (5)
- d. Eliminate the minimum required balance in the ag chem cleanup fund. (10a)
- e. Reduce ag chem cleanup reimbursement rate to 75%. (12)

2. Remove from the Draft:

- a. Allow funding for the ag stewardship initiative to be provided from the ag in the classroom appropriation. (9a)
- b. Make ag in the classroom payments & ag stewardship grants only if sufficient funds exist. (9b)
- c. Deposit \$30 household pesticide fee in the ag chem management instead of the environmental fund. (6a)
- d. Cap deposits to the environmental fund at \$1,150,000. (6b)
- e. Lower the maximum ag chem cleanup fund balance to \$3 million. (10b)
- f. Transfer the household hazardous waste program to DATCP. (14)

3. No Decision Yet:

- a. Whether to raise the ag chem management fertilizer tonnage fee by \$0.15. (2)
- b. Whether to raise the ag chem management feed inspection tonnage fee by \$0.07. (3)

-----Original Message-----

From: Frantzen, Jean
Sent: Tuesday, November 12, 2002 2:00 PM
To: Walker, William - DOA
Cc: Grinde, Kirsten; Uecker, Deborah; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 03-0310/1 Agrichemical management fund and agricultural chemical cleanup fund changes

Following is the PDF version of draft 03-0310/1.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0310~~2~~ 2

RCT:kmg:jf

SOON (m 1/14)

rmr

DOA:.....Walker - BB0198, Agrichemical management fund and agricultural chemical cleanup fund changes

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

Note

DON'T
GEN. CAT.

1 AN ACT ~~relating to: fees and surcharges related to pesticides, fertilizer, and~~
2 ~~feed, reimbursement under the Agricultural Chemical Cleanup Program,~~
3 ~~deposits to the agrichemical management fund and to the environmental fund,~~
4 ~~and the required balance in the agricultural chemical cleanup fund, grants for~~
5 ~~hazardous waste collection and disposal, grants for agriculture in the classroom~~
6 ~~programs, requiring the exercise of rule-making authority~~ and making an
7 appropriation.

and the agricultural chemical cleanup fund

Analysis by the Legislative Reference Bureau

several AGRICULTURE

* This bill makes ~~numerous~~ ^{several} changes related to the agrichemical management fund and moneys that are deposited in ~~that fund~~ ^{those funds}.
Current law generally requires a person who manufactures or distributes fertilizer in this state to obtain an annual license from DATCP. A person who is required to be licensed must pay several fees and surcharges to DATCP, including a basic fee of 30 cents per ton of fertilizer sold or distributed or \$25, whichever is greater. The basic fee is deposited in the agrichemical management fund. This bill

increases the basic fee to 45 cents per ton for fertilizer sold or distributed after June 30, 2003, but does not change the \$25 minimum fee.

Current law generally requires a person who manufactures or distributes animal feed to obtain an annual license from DATCP. A person who is required to be licensed must pay a feed inspection fee of 23 cents per ton and the fee is deposited in the agrichemical management fund. This bill increases the annual feed inspection fee for feed sold after December 31, 2003, to 30 cents per ton.

Current law generally requires a person who manufactures or labels pesticides for sale in this state to obtain an annual license from DATCP. The license year begins on January 1. A person who is required to be licensed must pay a number of fees and surcharges when the person applies for a license. The fees and surcharges are based on sales during the 12 months ending on September 30 of the year preceding the year for which a license is sought.

Under this bill, the fees and surcharges paid by an applicant for a pesticide manufacturer or labeler license are based on sales during the 12-month period that ends on September 30 of the license year. When the person applies for a license, the person pays the fees and surcharges based on estimated sales during that 12-month period. At the end of the license year, the person pays any balance due based on actual sales or may request a refund from DATCP for any overpayment. If the person estimated that sales would be less than 90% of sales during the preceding year and the person's payment due at the end of the year is more than 20% of the payment made based on estimated sales, the person is also required to pay a penalty for underestimating.

Under current law, pesticide manufacturer or labeler license fees are deposited into the agrichemical management fund, except that \$94 for each pesticide for which a licensee pays a fee is deposited into the environmental fund, and an additional \$30 for each household pesticide for which a licensee pays a fee is deposited into the environmental fund. This bill eliminates the \$30 environmental fund deposit for each household pesticide. In addition, the bill provides that the amount deposited into the environmental fund in each fiscal year from license fees, nonhousehold pesticide cleanup surcharges, and wood preservative cleanup surcharges paid by pesticide manufacturers and labelers and groundwater fees paid by fertilizer and soil and plant additive licensees is limited to \$1,150,000. Any additional amount of those fees and surcharges is deposited into the agrichemical management fund. Under current law, there is no limit on the amount deposited into the environmental fund.

Under current law, DATCP makes grants to counties for farm chemical and container collection programs. The grants are funded from the agrichemical management fund. This bill changes the source of funding for the farm chemical and container grants to the recycling fund.

Current law requires DATCP to provide grants to an organization that conducts an agriculture in the classroom program to help teachers educate students about agriculture. The grants are funded from the agrichemical management fund.

This bill authorizes DATCP to use the appropriation for agriculture in the classroom grants, for grants for environmental research on farms, and for education related to environmental practices on farms. The bill requires DATCP to make these

grants at the end of each fiscal year and prohibits DATCP from making grants in an amount that exceeds the unencumbered balance in the agrichemical management fund at the end of the fiscal year.

Current law authorizes DATCP to reduce surcharges that are deposited into the agricultural chemical cleanup fund below the amounts specified in the statutes. The law also requires DATCP to adjust the surcharge amounts as necessary to maintain a balance in the fund at the end of each fiscal year of at least \$2,000,000 but not more than \$5,000,000. This bill eliminates the minimum required fiscal-year-end balance for the agricultural chemical cleanup fund and reduces the maximum balance to \$3,000,000.

*

Currently, a person who is licensed to manufacture or distribute fertilizer must pay an agricultural chemical cleanup surcharge of 38 cents per ton of fertilizer sold or distributed, unless DATCP establishes a lower surcharge by rule. DATCP rules specify a surcharge of 38 cents per ton. This bill provides that the agricultural chemical cleanup surcharge is 88 cents per ton, unless the rules specify a lower surcharge.

Under the Agricultural Chemical Cleanup Program, DATCP pays a portion of the costs of cleaning up spills of agricultural chemicals. Currently, the payment equals 80% of eligible costs that exceed a deductible and are less than a specified maximum. This bill reduces the reimbursement rate under the Agricultural Chemical Cleanup Program from 80% to 75% of eligible costs.

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under current law, DNR makes grants for local programs for the collection and disposal of hazardous waste generated by households. The grants are funded from the environmental fund.

This bill transfers the household hazardous waste grant program to DATCP and changes the funding source to the agrichemical management fund.

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. 20.115 (7) (v) of the statutes is amended to read:~~
- 2 ~~20.115 (7) (v) a Chemical and container disposal. From the agrichemical~~
- 3 ~~management recycling fund, the amounts in the schedule for ~~for~~ chemical and~~
- 4 ~~container collection grants under s. 93.55 ~~(7)~~.~~
- 5 SECTION 2. 20.370 (6) (bs) of the statutes is renumbered 20.115 (7) (vm) and
- 6 amended to read:

Section #. RP; 20.115 (7) (v)

Section #. CR; 20.115 (7) (va)

20.115 (7) (v) a Chemical and container disposal. From the agrichemical management recycling fund, the amounts in the schedule for ~~for~~ chemical and container collection grants under s. 93.55 ~~(7)~~.

SECTION 2. 20.370 (6) (bs) of the statutes is renumbered 20.115 (7) (vm) and amended to read:

1 20.115 (7) (vm) ~~Environmental aids~~ — household Household hazardous waste
 2 disposal. From the ~~environmental~~ agrichemical management fund, the amounts in
 3 the schedule for ~~grants to municipalities under the household hazardous waste~~
 4 collection and disposal program grants under s. 299.41-93.55 (3).

✓
 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

leave this for 20.115(7)(va)

5 SECTION 3. 25.46 (2) of the statutes is repealed.

6 SECTION 4. 25.46 (3) of the statutes is repealed.

7 SECTION 5. 25.46 (4) of the statutes is repealed.

8 SECTION 6. 25.46 (4m) of the statutes is repealed.

9 SECTION 7. 25.46 (4s) of the statutes is repealed.

10 SECTION 8. 25.46 (4u) of the statutes is created to read:

11 25.46 (4u) The moneys specified in s. 94.80. ✓

12 SECTION 9. 25.465 (3) of the statutes is amended to read:

13 25.465 (3) The fees collected under s. 94.681 (2), (5), and (6) (a) 3., except as
 14 provided in s. 94.681 (7) (a) 94.80. ✓

15 SECTION 10. 25.465 (8) of the statutes is amended to read:

16 25.465 (8) The fees collected under s. 94.72 (5) (b) and (6) (a) ~~1.~~ ✓ and 2. and 2m. ✓

17 and (i).

18 ~~SECTION 11. 25.465 (9) of the statutes is created to read:~~

19 ~~25.465 (9) The moneys specified in s. 94.80 (2). ✓~~

20 ~~SECTION 12. 93.32 (title) of the statutes is amended to read:~~

21 ~~93.32 (title) Agriculture in the classroom program and agricultural~~
 22 ~~stewardship grants.~~

1 SECTION 13. 93.32 of the statutes is renumbered 93.32 (1) (intro.) and amended
2 to read:

3 93.32 (1) (intro.) ~~From Subject to sub. (2), from the appropriation account~~
4 under s. 20.115 (4) (q), the department ~~shall provide~~ may do all of the following:

5 (a) Provide grants to the organization that conducts an agriculture in the
6 classroom program in cooperation with the federal department of agriculture to help
7 teachers educate students about agriculture.

8 SECTION 14. 93.32 (1) (b) of the statutes is created to read:

9 93.32 (1) (b) Provide grants to nonprofit organizations, governmental agencies,
10 or educational institutions for environmental research on farms operating in this
11 state and for education related to environmental practices on farms.

12 SECTION 15. 93.32 (2) of the statutes is created to read:

13 93.32 (2) The department shall pay grants under sub. (1) at the end of each
14 fiscal year and may not make grants in any fiscal year in an amount that exceeds the
15 unencumbered balance in the agrichemical management fund after moneys to cover
16 all other obligations from the fund for that fiscal year have been encumbered.

17 SECTION 16. 93.55 (1) (a) of the statutes is amended to read:

18 93.55 (1) (a) "~~Chemical~~ Farm chemical" means a chemical, including a
19 pesticide, that is used for agricultural purposes.

20 SECTION 17. 93.55 (1) (am) of the statutes is created to read:

21 93.55 (1) (am) "Household hazardous waste" means hazardous waste, as
22 defined in s. 291.01 (7), that is generated by residential households.

23 SECTION 18. 93.55 (2) of the statutes is amended to read:

24 93.55 (2) ^{plain} ~~(COLLECTION) FARM CHEMICAL COLLECTION GRANTS.~~ The department may
25 award a grant to a county for a ~~farm~~ chemical and container collection program. A

Keep
↑

1 grant under this subsection shall fund all or a part of the cost of a program. Costs
 2 eligible for funding include the cost of establishing a collection site for ~~farm~~ chemicals
 3 and ~~farm~~ chemical containers, the cost of transporting ~~farm~~ chemical containers to
 4 a dealer or distributor for refill and reuse or to a hazardous waste facility, as defined
 5 in s. 291.01 (8), and costs associated with the proper use and handling and disposal
 6 or recycling of ~~farm~~ chemicals and ~~farm~~ chemical containers. Grants shall be paid
 7 from the appropriation under s. 20.115 (7) ~~(v)~~ (va)

8 SECTION 19. 93.55 (4) of the statutes is created to read:

9 93.55 (4) RULES. The department shall promulgate rules for the disbursal of
 10 grants under subs. (2) and (3). The rules may provide that at the end of a fiscal year
 11 unexpended funds under one of those subsections may be used to reimburse grant
 12 recipients under that subsection for eligible collection and disposal costs incurred in
 13 excess of the amount of the grant awarded in that fiscal year.

14 SECTION 20. 94.64 (4) (a) 1. of the statutes is amended to read:

15 94.64 (4) (a) 1. A basic fee of ~~23~~ 30 cents per ton for fertilizer sold or distributed
 16 beginning on ~~October 29, 1999, and ending on June 30, 2001~~ before July 1, 2003, and
 17 ~~30~~ 45 cents per ton for fertilizer sold or distributed after June 30, 2001 2003, with
 18 a minimum fee of \$25.

19 SECTION 21. 94.64 (4) (a) 5. of the statutes is amended to read:

20 94.64 (4) (a) 5. An agricultural chemical cleanup surcharge of ~~38~~ 88 cents per
 21 ton on all fertilizer that the person sells or distributes in this state after ~~June 30,~~
 22 1999, unless the department establishes a lower surcharge under s. 94.73 (15).

23 SECTION 22. 94.64 (4) (c) 4. of the statutes is repealed.

24 SECTION 23. 94.681 (1) (cm) of the statutes is created to read:

1 94.681 (1) (cm) "Payment period" means the 12 months ending on September
2 30 of the calendar year for which a license is sought under s. 94.68.

3 **SECTION 24.** 94.681 (2) of the statutes is repealed and recreated to read:

4 **94.681 (2) ANNUAL LICENSE FEE.** An applicant for a license under s. 94.68 shall
5 pay an annual license fee for each pesticide product that the applicant sells or
6 distributes for use in this state. The amount of the fee is based on sales of pesticide
7 products during the payment period. An applicant shall pay an estimated fee before
8 the start of each license year as provided in sub. (3s) (a) and shall make a fee
9 adjustment payment before the end of the license year if required under sub. (3s) (b).
10 Except as provided in sub. (5) or (6), the fee for each pesticide product is as follows:

11 (a) For each household pesticide product:

12 1. If the applicant sells less than \$25,000 of the product during the payment
13 period for use in this state, \$265.

14 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
15 during the payment period for use in this state, \$750.

16 3. If the applicant sells at least \$75,000 of the product during the payment
17 period for use in this state, \$1,500.

18 (b) For each industrial pesticide product:

19 1. If the applicant sells less than \$25,000 of the product during the payment
20 period for use in this state, \$315.

21 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
22 during the payment period for use in this state, \$860.

23 3. If the applicant sells at least \$75,000 of that product during the payment
24 period for use in this state, \$3,060.

25 (c) For each nonhousehold pesticide product:

1 1. If the applicant sells less than \$25,000 of that product during the payment
2 period for use in this state, \$320.

3 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
4 during the payment period for use in this state, \$890.

5 3. If the applicant sells at least \$75,000 of the product during the payment
6 period for use in this state, \$3,060 plus 0.2% of the gross revenues from sales of the
7 product during the payment period for use in this state.

8 **SECTION 25.** 94.681 (3) of the statutes is amended to read:

9 94.681 (3) NONHOUSEHOLD PESTICIDES; CLEANUP SURCHARGE. ~~Except for the~~
10 ~~license years that begin on January 1, 1999, and January 1, 2000, an~~ An applicant
11 for a license under s. 94.68 shall pay an agricultural chemical cleanup surcharge for
12 each nonhousehold pesticide product that the applicant sells or distributes for use
13 in this state. The amount of the surcharge is based on sales of nonhousehold
14 pesticide products during the payment period. An applicant shall pay an estimated
15 surcharge before the start of each license year as provided in sub. (3s) (a) and shall
16 make a surcharge adjustment payment before the end of the license year if required
17 by sub. (3s) (b). [√] Except as provided in sub. (6) or under s. 94.73 (15), the amount of
18 the surcharge is as follows:

19 (a) If the applicant ~~sold~~ sells less than \$25,000 of the product during the
20 ~~preceding year payment period~~ for use in this state, \$5.

21 (b) If the applicant ~~sold~~ sells at least \$25,000 but less than \$75,000 of that
22 product during the ~~preceding year payment period~~ for use in this state, \$170.

23 (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the
24 ~~preceding year payment period~~ for use in this state, an amount equal to 1.1% of gross

1 revenues from sales of the product during the ~~preceding year~~ payment period for use
2 in this state.

3 **SECTION 26.** 94.681 (3m) of the statutes is amended to read:

4 **94.681 (3m) WOOD PRESERVATIVES; CLEANUP SURCHARGE.** An applicant for a
5 license under s. 94.68 shall pay an environmental cleanup surcharge for each
6 pesticide product that is not a household pesticide and is solely labeled for use on
7 wood and contains pentachlorophenol or coal tar creosote that the applicant sells or
8 distributes in this state. The amount of the surcharge is based on sales of pesticide
9 products that are not household pesticides and are solely labeled for use on wood and
10 contain pentachlorophenol or coal tar creosote during the payment period. An
11 applicant shall pay an estimated surcharge before the start of each license year as
12 provided in sub. (3s) (a) and shall make a surcharge adjustment payment before the
13 end of the license year if required by sub. (3s) (b). Except as provided in sub. (6), the
14 amount of the surcharge is as follows:

15 (a) If the applicant ~~sold~~ sells less than \$25,000 of the product during the
16 ~~preceding year~~ payment period for use in this state, \$5.

17 (b) If the applicant ~~sold~~ sells at least \$25,000 but less than \$75,000 of that
18 product during the ~~preceding year~~ payment period for use in this state, \$170.

19 (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the
20 ~~preceding year~~ payment period for use in this state, an amount equal to 1.1% of gross
21 revenues from sales of the product during the ~~preceding year~~ payment period for use
22 in this state.

23 **SECTION 27.** 94.681 (3s) of the statutes is created to read:

24 **94.681 (3s) PAYMENT OF FEES AND SURCHARGES.** (a) Before the start of a license
25 year, an applicant shall estimate the gross revenues that the applicant will receive

1 from sales of each pesticide product during the payment period that ends during the
2 year for which a license is sought under s. 94.68 and shall pay the amounts under
3 subs. (2), (3), and (3m) based on that estimate. At least 15 days before beginning to
4 sell a new pesticide product in this state, a licensee shall estimate the gross revenues
5 that the applicant will receive from sales of that pesticide product during the
6 payment period in which the licensee begins to sell the pesticide product and shall
7 pay the amounts under subs. (2), (3), and (3m) based on that estimate.

8 (b) Before the end of a license year, a licensee shall report to the department
9 the gross revenues that the licensee received from sales of each pesticide product
10 during the payment period that ended during the license year, as required under s.
11 94.68 (2) (a) 2., and shall reconcile the estimated payment made under par. (a) with
12 the amounts actually due under subs. (2), (3), and (3m) as follows:

13 1. If the amount due based on actual sales is greater than the amount paid
14 based on estimated sales, the licensee shall pay the additional amount due.

15 2. If the amount due based on actual sales is less than the amount paid based
16 on estimated sales, the licensee may request the department to reimburse the
17 licensee for the amount of the overpayment.

18 3. If the amount due based on actual sales equals the amount paid based on
19 estimated sales, no action is required.

20 (c) 1. Except as provided in subd. 2., if a licensee's total payment due under par.
21 (b) is more than 20% of the total amount paid under par. (a), the licensee shall pay
22 a penalty equal to 20% of the total amount due under par. (b). The penalty under this
23 subdivision is in addition to any late filing fee under s. 93.21 (5).

24 2. Subdivision 1. does not apply to a licensee if the licensee's payments under
25 par. (a) are based on estimates of gross revenues from sales for each pesticide product

Keep

1 that equal at least 90% of the licensee's gross revenues from sales of the pesticide
2 product during the preceding year.

3 SECTION 28. 94.681 (7) (a) (intro.) of the statutes is renumbered 94.681 (7) (a)
4 and amended to read:

5 94.681 (7) (a) *License fees.* The department shall deposit all license fees
6 collected under subs. (2), (5), and (6) (a) 3. in the agrichemical management fund
7 except as follows: provided in s. 94.80.

8 SECTION 29. 94.681 (7) (a) 1. of the statutes is repealed.

9 SECTION 30. 94.681 (7) (a) 2. of the statutes is repealed.

10 SECTION 31. 94.681 (7) (bm) of the statutes is repealed.

11 SECTION 32. 94.681 (7) (c) of the statutes is repealed.

12 SECTION 33. 94.72 (6) (a) 1. of the statutes is repealed.

13 SECTION 34. 94.72 (6) (a) 2. of the statutes is amended to read:

14 94.72 (6) (a) 2. For commercial feeds distributed in this state ~~on or after~~ before
15 January 1, ~~2002~~ 2004, a feed inspection fee of 23 cents per ton.

16 SECTION 35. 94.72 (6) (a) 2m. of the statutes is created to read:

17 94.72 (6) (a) 2m. For commercial feeds distributed in this state after December
18 31, 2003, a feed inspection fee of 30 cents per ton.

19 SECTION 36. 94.73 (6) (b) of the statutes is amended to read:

20 94.73 (6) (b) Except as provided in pars. (c) and (e), the department shall
21 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action
22 costs incurred for each discharge site that are greater than \$3,000 and less than
23 \$400,000.

24 SECTION 37. 94.73 (6) (c) (intro.) of the statutes is amended to read:

1 94.73 (6) (c) (intro.) Except as provided in par. (e), the department shall
2 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action
3 costs incurred for each discharge site that are greater than \$7,500 and less than
4 \$400,000 if any of the following applies:

5 **SECTION 38.** 94.73 (15) (a) of the statutes is amended to read:

6 94.73 (15) (a) The department may, by rule, reduce any of the surcharges in ss.
7 94.64 (3r) (b) and (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2., and 94.704
8 (3) (a) 2. below the amounts specified in those provisions. The department shall
9 adjust surcharge amounts as necessary to maintain a balance in the agricultural
10 chemical cleanup fund at the end of each fiscal year of ~~at least \$2,000,000 but not~~
11 ~~more than \$5,000,000~~ ^{4 states plain} ~~\$3,000,000~~ but may not increase a surcharge amount over the
12 amount specified in s. 94.64 (3r) (b) or (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703
13 (3) (a) 2., or 94.704 (3) (a) 2.

14 **SECTION 39.** 94.80 of the statutes is created to read:

15 **94.80 Environmental fund deposits.** (1) Subject to sub. (2), the department
16 shall deposit all of the following in the environmental fund:

- 17 (a) The fees collected under s. 94.64 (4) (a) 4.
18 (b) The fees collected under s. 94.65 (6) (a) 4.
19 (c) From the license fees collected under s. 94.681 (2), (5), and (6) (a) 3., an
20 amount equal to \$94 for each pesticide product for which an applicant pays a license
21 fee.
22 (d) The surcharges collected under s. 94.681 (3m) and (6) (a) 5.
23 (e) The fees collected under s. 94.681 (4).

24 (2) Once the amount deposited in the environmental fund under sub. (1) equals
25 \$1,150,000 in any fiscal year, the department shall deposit all additional fees

1 collected under s. 94.64 (4) (a) 4., fees collected under s. 94.65 (6) (a) 4., license fees
2 collected under s. 94.681 (2), (5), and (6) (a) 3., surcharges collected under s. 94.681
3 (3m) and (6) (a) 5., and fees collected under s. 94.681 (4) during that fiscal year in the
4 agricultural management fund.

5 **SECTION 40.** 299.41 of the statutes is renumbered 93.55 (3) and amended to
6 read:

7 **93.55 (3) HOUSEHOLD HAZARDOUS WASTE COLLECTION GRANTS.** The department
8 shall ~~establish and administer~~ a grant program to assist municipalities and regional
9 planning commissions in creating and operating local programs for the collection and
10 disposal of household hazardous waste. Grants shall be paid from the appropriation
11 under s. 20.115 (7) (vm).

12 **SECTION 41.** 895.55 (2) (intro.) of the statutes is amended to read:

13 **895.55 (2) (intro.)** Notwithstanding any provision of s. 299.11, 299.13, 299.31,
14 ~~299.41, 299.43, 299.45, 299.51, 299.53, or 299.55~~, subchs. II and IV of ch. 30, ch. 29,
15 166, 281, 283, 289, 291, or 292 or subch. II of ch. 295, or any other provision of this
16 chapter, a person is immune from liability for damages resulting from the person's
17 acts or omissions and for the removal costs resulting from the person's acts or
18 omissions if all of the following conditions are met:

19 **SECTION 9304. Initial applicability; agriculture, trade and consumer**
20 **protection.**

21 (1) **AGRICULTURAL CHEMICAL CLEANUP PROGRAM REIMBURSEMENT.** The treatment
22 of section 94.73 (6) (b) and (c) (intro.) of the statutes first applies to costs incurred on
23 the effective date of this subsection.

24 **SECTION 9404. Effective dates; agriculture, trade and consumer**
25 **protection.**

1 (1) AGRICULTURAL CHEMICAL CLEANUP PROGRAM REIMBURSEMENT. The treatment
2 of section 94.73 (6) (b) and (c) of the statutes and SECTION 9304 (1) of this act
3 take effect on January 1, 2004.

4 (2) PESTICIDE FEES AND SURCHARGES. The treatment of section 94.681 (1) (cm),
5 (2), (3), (3m), and (3s) of the statutes takes effect on December 1, 2003.

6 (END)

ONote

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0310/2dn

RCT:

King

Bill Walker:

I decided to go ahead with a redraft of this draft, leaving the fee increases in. If a decision is made not to raise the fees, let me know and I will redraft again. *it*

With regard to funding the farm chemical and container collection program from the recycling fund, DATCP had asked me to create a new appropriation rather than change the funding source for the existing appropriation because of difficulties that would arise paying funds encumbered this fiscal year after this fiscal year is over, so this draft repeals s. 20.11⁵(7) (v) and creates s. 20.115 (7) (va).

Let me know if you have any questions or spot any problems.

Becky Tradewell
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0310/2dn
RCT:kmg:pg

January 15, 2003

Bill Walker:

I decided to go ahead with a redraft of this draft, leaving the fee increases in it. If a decision is made not to raise the fees, let me know and I will redraft again.

With regard to funding the farm chemical and container collection program from the recycling fund, DATCP had asked me to create a new appropriation rather than change the funding source for the existing appropriation because of difficulties that would arise paying funds encumbered this fiscal year after this fiscal year is over, so this draft repeals s. 20.115 (7) (v) and creates s. 20.115 (7) (va).

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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0310/2

RCT:kmg:pg

DOA:.....Walker – BB0198, Agrichemical management fund and agricultural chemical cleanup fund changes

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT** ...; **relating to:** fees and surcharges related to pesticides, fertilizer, and
2 feed, reimbursement under the Agricultural Chemical Cleanup Program, the
3 required balance in the agricultural chemical cleanup fund, and making an
4 appropriation.

Analysis by the Legislative Reference Bureau

AGRICULTURE

This bill makes several changes related to the agrichemical management fund and the agricultural chemical cleanup fund and moneys that are deposited in those funds.

Current law generally requires a person who manufactures or distributes fertilizer in this state to obtain an annual license from DATCP. A person who is required to be licensed must pay several fees and surcharges to DATCP, including a basic fee of 30 cents per ton of fertilizer sold or distributed or \$25, whichever is greater. The basic fee is deposited in the agrichemical management fund. This bill increases the basic fee to 45 cents per ton for fertilizer sold or distributed after June 30, 2003, but does not change the \$25 minimum fee.

Current law generally requires a person who manufactures or distributes animal feed to obtain an annual license from DATCP. A person who is required to

be licensed must pay a feed inspection fee of 23 cents per ton and the fee is deposited in the agrichemical management fund. This bill increases the annual feed inspection fee for feed sold after December 31, 2003, to 30 cents per ton.

Current law generally requires a person who manufactures or labels pesticides for sale in this state to obtain an annual license from DATCP. The license year begins on January 1. A person who is required to be licensed must pay a number of fees and surcharges when the person applies for a license. The fees and surcharges are based on sales during the 12 months ending on September 30 of the year preceding the year for which a license is sought.

Under this bill, the fees and surcharges paid by an applicant for a pesticide manufacturer or labeler license are based on sales during the 12-month period that ends on September 30 of the license year. When the person applies for a license, the person pays the fees and surcharges based on estimated sales during that 12-month period. At the end of the license year, the person pays any balance due based on actual sales or may request a refund from DATCP for any overpayment. If the person estimated that sales would be less than 90% of sales during the preceding year and the person's payment due at the end of the year is more than 20% of the payment made based on estimated sales, the person is also required to pay a penalty for underestimating.

Under current law, DATCP makes grants to counties for farm chemical and container collection programs. The grants are funded from the agrichemical management fund. This bill changes the source of funding for the farm chemical and container grants to the recycling fund.

Current law authorizes DATCP to reduce surcharges that are deposited into the agricultural chemical cleanup fund below the amounts specified in the statutes. The law also requires DATCP to adjust the surcharge amounts as necessary to maintain a balance in the fund at the end of each fiscal year of at least \$2,000,000 but not more than \$5,000,000. This bill eliminates the minimum required fiscal-year-end balance for the agricultural chemical cleanup fund.

Currently, a person who is licensed to manufacture or distribute fertilizer must pay an agricultural chemical cleanup surcharge of 38 cents per ton of fertilizer sold or distributed, unless DATCP establishes a lower surcharge by rule. DATCP rules specify a surcharge of 38 cents per ton. This bill provides that the agricultural chemical cleanup surcharge is 88 cents per ton, unless the rules specify a lower surcharge.

Under the Agricultural Chemical Cleanup Program, DATCP pays a portion of the costs of cleaning up spills of agricultural chemicals. Currently, the payment equals 80% of eligible costs that exceed a deductible and are less than a specified maximum. This bill reduces the reimbursement rate under the Agricultural Chemical Cleanup Program from 80% to 75% of eligible costs.

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.** 20.115 (7) (v) of the statutes is repealed.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2 **SECTION 2.** 20.115 (7) (va) of the statutes is created to read:

3 20.115 (7) (va) *Chemical and container disposal.* From the recycling fund, the
4 amounts in the schedule for chemical and container collection grants under s. 93.55.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 3.** 25.465 (8) of the statutes is amended to read:

6 25.465 (8) The fees collected under s. 94.72 (5) (b) and (6) (a) ~~1. and 2.~~ and 2m.
7 and (i).

8 **SECTION 4.** 93.55 (2) of the statutes is amended to read:

9 93.55 (2) COLLECTION GRANTS. The department may award a grant to a county
10 for a chemical and container collection program. A grant under this subsection shall
11 fund all or a part of the cost of a program. Costs eligible for funding include the cost
12 of establishing a collection site for chemicals and chemical containers, the cost of
13 transporting chemical containers to a dealer or distributor for refill and reuse or to
14 a hazardous waste facility, as defined in s. 291.01 (8), and costs associated with the
15 proper use and handling and disposal or recycling of chemicals and chemical
16 containers. Grants shall be paid from the appropriation under s. 20.115 (7) (~~v~~) (va).

17 **SECTION 5.** 94.64 (4) (a) 1. of the statutes is amended to read:

18 94.64 (4) (a) 1. A basic fee of ~~23~~ 30 cents per ton for fertilizer sold or distributed
19 ~~beginning on October 29, 1999, and ending on June 30, 2001~~ before July 1, 2003, and

1 ~~30~~ 45 cents per ton for fertilizer sold or distributed after June 30, ~~2001~~ 2003, with
2 a minimum fee of \$25.

3 **SECTION 6.** 94.64 (4) (a) 5. of the statutes is amended to read:

4 94.64 (4) (a) 5. An agricultural chemical cleanup surcharge of ~~38~~ 88 cents per
5 ton on all fertilizer that the person sells or distributes in this state ~~after June 30,~~
6 ~~1999~~, unless the department establishes a lower surcharge under s. 94.73 (15).

7 **SECTION 7.** 94.681 (1) (cm) of the statutes is created to read:

8 94.681 (1) (cm) “Payment period” means the 12 months ending on September
9 30 of the calendar year for which a license is sought under s. 94.68.

10 **SECTION 8.** 94.681 (2) of the statutes is repealed and recreated to read:

11 94.681 (2) ANNUAL LICENSE FEE. An applicant for a license under s. 94.68 shall
12 pay an annual license fee for each pesticide product that the applicant sells or
13 distributes for use in this state. The amount of the fee is based on sales of pesticide
14 products during the payment period. An applicant shall pay an estimated fee before
15 the start of each license year as provided in sub. (3s) (a) and shall make a fee
16 adjustment payment before the end of the license year if required under sub. (3s) (b).
17 Except as provided in sub. (5) or (6), the fee for each pesticide product is as follows:

18 (a) For each household pesticide product:

19 1. If the applicant sells less than \$25,000 of the product during the payment
20 period for use in this state, \$265.

21 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
22 during the payment period for use in this state, \$750.

23 3. If the applicant sells at least \$75,000 of the product during the payment
24 period for use in this state, \$1,500.

25 (b) For each industrial pesticide product:

1 1. If the applicant sells less than \$25,000 of the product during the payment
2 period for use in this state, \$315.

3 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
4 during the payment period for use in this state, \$860.

5 3. If the applicant sells at least \$75,000 of that product during the payment
6 period for use in this state, \$3,060.

7 (c) For each nonhousehold pesticide product:

8 1. If the applicant sells less than \$25,000 of that product during the payment
9 period for use in this state, \$320.

10 2. If the applicant sells at least \$25,000 but less than \$75,000 of the product
11 during the payment period for use in this state, \$890.

12 3. If the applicant sells at least \$75,000 of the product during the payment
13 period for use in this state, \$3,060 plus 0.2% of the gross revenues from sales of the
14 product during the payment period for use in this state.

15 **SECTION 9.** 94.681 (3) of the statutes is amended to read:

16 94.681 (3) NONHOUSEHOLD PESTICIDES; CLEANUP SURCHARGE. ~~Except for the~~
17 ~~license years that begin on January 1, 1999, and January 1, 2000, an~~ An applicant
18 for a license under s. 94.68 shall pay an agricultural chemical cleanup surcharge for
19 each nonhousehold pesticide product that the applicant sells or distributes for use
20 in this state. The amount of the surcharge is based on sales of nonhousehold
21 pesticide products during the payment period. An applicant shall pay an estimated
22 surcharge before the start of each license year as provided in sub. (3s) (a) and shall
23 make a surcharge adjustment payment before the end of the license year if required
24 by sub. (3s) (b). Except as provided in sub. (6) or under s. 94.73 (15), the amount of
25 the surcharge is as follows:

1 (a) If the applicant ~~sold~~ sells less than \$25,000 of the product during the
2 ~~preceding year payment period~~ for use in this state, \$5.

3 (b) If the applicant ~~sold~~ sells at least \$25,000 but less than \$75,000 of that
4 product during the ~~preceding year payment period~~ for use in this state, \$170.

5 (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the
6 ~~preceding year payment period~~ for use in this state, an amount equal to 1.1% of gross
7 revenues from sales of the product during the ~~preceding year payment period~~ for use
8 in this state.

9 **SECTION 10.** 94.681 (3m) of the statutes is amended to read:

10 94.681 (3m) WOOD PRESERVATIVES; CLEANUP SURCHARGE. An applicant for a
11 license under s. 94.68 shall pay an environmental cleanup surcharge for each
12 pesticide product that is not a household pesticide and is solely labeled for use on
13 wood and contains pentachlorophenol or coal tar creosote that the applicant sells or
14 distributes in this state. The amount of the surcharge is based on sales of pesticide
15 products that are not household pesticides and are solely labeled for use on wood and
16 contain pentachlorophenol or coal tar creosote during the payment period. An
17 applicant shall pay an estimated surcharge before the start of each license year as
18 provided in sub. (3s) (a) and shall make a surcharge adjustment payment before the
19 end of the license year if required by sub. (3s) (b). Except as provided in sub. (6), the
20 amount of the surcharge is as follows:

21 (a) If the applicant ~~sold~~ sells less than \$25,000 of the product during the
22 ~~preceding year payment period~~ for use in this state, \$5.

23 (b) If the applicant ~~sold~~ sells at least \$25,000 but less than \$75,000 of that
24 product during the ~~preceding year payment period~~ for use in this state, \$170.

1 (c) If the applicant ~~sold~~ sells at least \$75,000 of that product during the
2 ~~preceding year payment period~~ for use in this state, an amount equal to 1.1% of gross
3 revenues from sales of the product during the ~~preceding year payment period~~ for use
4 in this state.

5 **SECTION 11.** 94.681 (3s) of the statutes is created to read:

6 **94.681 (3s) PAYMENT OF FEES AND SURCHARGES.** (a) Before the start of a license
7 year, an applicant shall estimate the gross revenues that the applicant will receive
8 from sales of each pesticide product during the payment period that ends during the
9 year for which a license is sought under s. 94.68 and shall pay the amounts under
10 subs. (2), (3), and (3m) based on that estimate. At least 15 days before beginning to
11 sell a new pesticide product in this state, a licensee shall estimate the gross revenues
12 that the applicant will receive from sales of that pesticide product during the
13 payment period in which the licensee begins to sell the pesticide product and shall
14 pay the amounts under subs. (2), (3), and (3m) based on that estimate.

15 (b) Before the end of a license year, a licensee shall report to the department
16 the gross revenues that the licensee received from sales of each pesticide product
17 during the payment period that ended during the license year, as required under s.
18 94.68 (2) (a) 2., and shall reconcile the estimated payment made under par. (a) with
19 the amounts actually due under subs. (2), (3), and (3m) as follows:

20 1. If the amount due based on actual sales is greater than the amount paid
21 based on estimated sales, the licensee shall pay the additional amount due.

22 2. If the amount due based on actual sales is less than the amount paid based
23 on estimated sales, the licensee may request the department to reimburse the
24 licensee for the amount of the overpayment.

1 3. If the amount due based on actual sales equals the amount paid based on
2 estimated sales, no action is required.

3 (c) 1. Except as provided in subd. 2., if a licensee's total payment due under par.
4 (b) is more than 20% of the total amount paid under par. (a), the licensee shall pay
5 a penalty equal to 20% of the total amount due under par. (b). The penalty under this
6 subdivision is in addition to any late filing fee under s. 93.21 (5).

7 2. Subdivision 1. does not apply to a licensee if the licensee's payments under
8 par. (a) are based on estimates of gross revenues from sales for each pesticide product
9 that equal at least 90% of the licensee's gross revenues from sales of the pesticide
10 product during the preceding year.

11 **SECTION 12.** 94.72 (6) (a) 1. of the statutes is repealed.

12 **SECTION 13.** 94.72 (6) (a) 2. of the statutes is amended to read:

13 94.72 (6) (a) 2. For commercial feeds distributed in this state ~~on or after~~ before
14 January 1, ~~2002~~ 2004, a feed inspection fee of 23 cents per ton.

15 **SECTION 14.** 94.72 (6) (a) 2m. of the statutes is created to read:

16 94.72 (6) (a) 2m. For commercial feeds distributed in this state after December
17 31, 2003, a feed inspection fee of 30 cents per ton.

18 **SECTION 15.** 94.73 (6) (b) of the statutes is amended to read:

19 94.73 (6) (b) Except as provided in pars. (c) and (e), the department shall
20 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action
21 costs incurred for each discharge site that are greater than \$3,000 and less than
22 \$400,000.

23 **SECTION 16.** 94.73 (6) (c) (intro.) of the statutes is amended to read:

24 94.73 (6) (c) (intro.) Except as provided in par. (e), the department shall
25 reimburse a responsible person an amount equal to ~~80%~~ 75% of the corrective action

1 costs incurred for each discharge site that are greater than \$7,500 and less than
2 \$400,000 if any of the following applies:

3 **SECTION 17.** 94.73 (15) (a) of the statutes is amended to read:

4 94.73 (15) (a) The department may, by rule, reduce any of the surcharges in ss.
5 94.64 (3r) (b) and (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2., and 94.704
6 (3) (a) 2. below the amounts specified in those provisions. The department shall
7 adjust surcharge amounts as necessary to maintain a balance in the agricultural
8 chemical cleanup fund at the end of each fiscal year of at least ~~\$2,000,000~~ but not
9 more than \$5,000,000, but may not increase a surcharge amount over the amount
10 specified in s. 94.64 (3r) (b) or (4) (a) 5., 94.681 (3), 94.685 (3) (a) 2., 94.703 (3) (a) 2.,
11 or 94.704 (3) (a) 2.

12 **SECTION 9304. Initial applicability; agriculture, trade and consumer**
13 **protection.**

14 (1) AGRICULTURAL CHEMICAL CLEANUP PROGRAM REIMBURSEMENT. The treatment
15 of section 94.73 (6) (b) and (c) (intro.) of the statutes first applies to costs incurred on
16 the effective date of this subsection.

17 **SECTION 9404. Effective dates; agriculture, trade and consumer**
18 **protection.**

19 (1) AGRICULTURAL CHEMICAL CLEANUP PROGRAM REIMBURSEMENT. The treatment
20 of section 94.73 (6) (b) and (c) (intro.) of the statutes and SECTION 9304 (1) of this act
21 take effect on January 1, 2004.

22 (2) PESTICIDE FEES AND SURCHARGES. The treatment of section 94.681 (1) (cm),
23 (2), (3), (3m), and (3s) of the statutes takes effect on December 1, 2003.

24 (END)