

SENATE BILL NO. 869

April 24, 2020, Introduced by Senator SCHMIDT and referred to the Committee on Government Operations.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8312 and 8317 (MCL 324.8312 and 324.8317), as amended by 2015 PA 118.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8312. (1) To become a certified applicator, an applicant
2 must satisfactorily complete the certification requirements
3 prescribed by the director and categorized according to the various
4 types of pesticide applications prescribed by rule and consistent

1 with the regulations of the EPA.

2 (2) The application for a certified applicator certificate
3 shall contain information considered to be pertinent by the
4 director.

5 (3) A certified applicator applicant shall pay the appropriate
6 fee ~~as provided in~~ **under** section 8317.

7 (4) The director shall issue a certificate to ~~applicants~~ **an**
8 **applicant** that successfully ~~comply~~ **complies** with all certification
9 requirements under this part.

10 (5) The director may restrict an applicant to use only a
11 certain type of equipment or pesticide upon finding that the
12 applicant is only qualified to use that type of equipment or
13 pesticide.

14 (6) The director may refuse to issue or renew a certificate ~~if~~
15 **an** ~~under~~ **any of the following circumstances:**

16 (a) **The** applicant demonstrates an insufficient knowledge of
17 any item called for in the application. ~~or~~

18 (b) **The applicant** has unsatisfied judgments under this part or
19 rules promulgated under this part against him or her. ~~or if the~~

20 (c) **The** equipment to be used by the applicant is unsafe or
21 inadequate to properly apply pesticides.

22 (7) The director may at any time deny, revoke, or suspend a
23 private agricultural applicator certificate or a commercial
24 applicator certificate for a violation of this part or upon
25 conviction under section 14 of FIFRA, 7 USC 1361, or upon
26 conviction under a state pesticide law of a reciprocating state in
27 accordance with section 8320.

28 (8) The director shall inform an applicant who is denied an
29 applicator certificate of the reasons why the certificate was

1 denied.

2 (9) A person shall display his or her certificate upon the
3 request of the director.

4 Sec. 8317. (1) An application submitted under this part shall
5 be accompanied by the following application fee:

6 (a) For a commercial applicator certification, \$75.00.

7 (b) For a private agricultural applicator certification,
8 \$50.00.

9 (c) For a commercial registered applicator, \$45.00.

10 (d) For a private registered applicator, \$50.00.

11 (2) Certificates for commercial applicators, private
12 agricultural applicators, and registered applicators are valid for
13 a period of not less than 3 years to be established by rule by the
14 director. **However, all 3-year certificates for commercial**
15 **applicators, private applicators, and registered applicators issued**
16 **under this part that were to expire on December 31, 2019, are**
17 **unexpired and remain unexpired until June 30, 2020.**

18 (3) The license application fee for a commercial applicator
19 license is \$100.00. The license expires annually on December 31.

20 (4) The registration application fee for the registration of
21 pesticides sold, offered for sale, exposed for sale, or distributed
22 is \$100.00 per product. However, if the pesticide registration fee
23 is received by the department after June 30, the registrant shall
24 pay an additional late fee of \$100.00 for each pesticide.

25 (5) The license application fee for a restricted use pesticide
26 dealer's license is \$100.00. The license expires annually on
27 December 31.

28 (6) The license application fee for an agricultural pesticide
29 dealer's license is \$100.00. The license expires annually on

1 December 31.

2 (7) Application fees submitted under this section are not
3 refundable.

4 (8) ~~Notwithstanding any other provision of subsection (1)(b)~~
5 ~~and (d), the~~ **The** department shall waive any fee otherwise required
6 under subsection (1)(b) and (d) if the individual responsible for
7 paying the fee is, and provides proof satisfactory to the
8 department that he or she is, an honorably discharged veteran of
9 the ~~armed forces~~ **Armed Forces** of the United States.

10 (9) The department shall deposit application, license,
11 registration, and administrative fees; ~~and administrative ,and~~
12 ~~civil ,and noncriminal fines received, as well as any payment~~
13 **fines; and payments** for costs or reimbursement to the department
14 for investigation ~~,received~~ under this part in the agriculture
15 licensing and inspection fees fund created in section 9 of the
16 insect pest and plant disease act, 1931 PA 189, MCL 286.209. ~~to~~
17 ~~be used, pursuant to appropriation,~~ **Subject to appropriations,**
18 **revenue deposited under this subsection shall be used** by the
19 director in administering and carrying out ~~those~~ duties required ~~by~~
20 ~~law~~ under this part.