

Reprinted 2/85

FILED MAR 1 1988

SENATE FILE 2247
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
(Approved 1/28/88)
(Formerly SSB 2225)

Passed Senate, Date 3/10/88 (p. 906) Passed House, Date _____
Vote: Ayes 45 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation and reporting of certain
2 pesticides.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S.F. 2247

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1 Section 1. Section 206.8, subsection 2, unnumbered
2 paragraph 1, Code Supplement 1987, is amended to read as
3 follows:

4 A pesticide dealer shall pay the greater of a minimum
5 annual license fee of twenty-five dollars or an annual license
6 fee based on one-tenth of one percent of the gross retail
7 sales of all pesticides sold at retail for use in this state
8 by the pesticide dealer in the previous year. The annual
9 license fee shall be paid to the department of agriculture and
10 land stewardship, beginning July 1, 1988, and July 1 of each
11 year thereafter. A licensee shall pay a fee of twenty-five
12 dollars for the period July 1, 1987 through June 30, 1988.

13 Sec. 2. Section 206.12, subsection 1, unnumbered paragraph
14 1, Code Supplement 1987, is amended to read as follows:

15 Every pesticide which is distributed, sold, or offered for
16 sale for use within this state or delivered for transportation
17 or transported in intrastate commerce between points within
18 the state through any point outside this state shall be
19 registered with the department of agriculture and land
20 stewardship. All registration of products shall expire on the
21 thirty-first day of December following date of issuance,
22 unless such registration shall be renewed annually, in which
23 event expiration date shall be extended for each year of
24 renewal registration, or until otherwise terminated; provided
25 that:

26 Sec. 3. Section 206.12, subsection 3, Code Supplement
27 1987, is amended to read as follows:

28 3. The registrant, before selling or offering for sale any
29 pesticide for use in this state, shall register each brand and
30 grade of such pesticide with the secretary upon forms
31 furnished by the secretary, ~~and the secretary shall set the~~
32 ~~registration fee annually at one-fifth of one percent of gross~~
33 ~~sales within this state with a minimum fee of two hundred~~
34 ~~fifty dollars and a maximum.~~ The annual registration fee of
35 shall be three thousand dollars for each and every brand and

1 grade to be offered for sale in this state except as otherwise
2 provided. The annual registration fee for products with gross
3 annual sales in this state of less than one million five
4 hundred thousand dollars shall be the greater of two hundred
5 fifty dollars or one-fifth of one percent of the gross annual
6 sales as established by affidavit of the registrant. The
7 secretary shall adopt by rule exemptions to the minimum fee
8 these fees for products with gross annual sales in this state
9 during the previous year of less than twenty thousand dollars
10 if the products are not substantially similar to other
11 registered products. Fifty dollars of each fee collected
12 shall be deposited in the treasury to the credit of the
13 pesticide fund to be used only for the purpose of enforcing
14 the provisions of this chapter and the remainder of each fee
15 collected shall be placed in the agriculture management
16 account of the groundwater protection fund.

17 Sec. 4. Section 206.12, subsection 7, Code Supplement
18 1987, is amended to read as follows:

19 7. Each licensee under section 206.6 or 206.8 who sells
20 pesticides at retail or who applies pesticides in this state
21 shall file an annual report with the secretary of agriculture
22 listing the amount and type of all pesticides sold~~7-offered~~
23 for-sale~~7-or-distributed~~ at retail for use in this state, or
24 applied in this state during each month of the previous year.
25 This report shall be filed at the time of payment for
26 licensure or annually on or before July 1. The secretary, by
27 rule, may specify the form of the report and require
28 additional information from retailers and applicators deemed
29 necessary to determine pesticide use within the state. The
30 information required shall include the brand names and amounts
31 of pesticides sold~~7-offered-for-sale~~7-or-distributed~~ at retail~~
32 for use in this state for each business location owned or
33 operated by the retailer~~7-but-the~~. The information collected~~7~~
34 if-made-public~~7~~, shall be reported kept confidential. Public
35 reporting concerning the information collected shall be done

1 in a manner which does not identify a specific brand name in
2 the report.

3 EXPLANATION

4 Section 1 of this bill relates to determining the basis for
5 certain pesticide dealer fees.

6 Section 2 relates to the registration of pesticides which
7 are distributed, sold, or offered for sale for use within this
8 state.

9 Section 3 relates to the calculation of registration fees
10 for pesticides which are sold or offered for sale for use in
11 this state.

12 Section 4 relates to reporting of certain pesticide
13 products by licensees under section 206.6 or 206.8 who sell
14 pesticides at retail or who apply pesticides in this state.
15 It also provides for the confidentiality of information
16 reported.

17 SUCCESSOR TO SSB 2225 (LSB 7826SC)

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FISCAL NOTE

LSB No. 7826S

Staff ID. JKH

REQ. BY SENATOR DELUHERY

SENATE FILE 2247

In compliance with a written request received March 1, 1988, a fiscal note for SENATE FILE 2247 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2247 relates to the regulation and reporting of certain pesticides.

FISCAL EFFECT

The Department of Agriculture and Land Stewardship estimates that Senate File 2247 would generate \$296,000 in additional revenue for the Agricultural Management Account of the Groundwater Protection Fund.

ASSUMPTIONS

1. All dealers who are required to be licensed will choose the minimum \$25 license fee rather than the 1/10th of one percent of annual sales.
2. No more than 100 products qualify for exemptions to minimum registration fees.
3. Dealers sell \$386 million worth of pesticides annually.
4. There are 2,000 licensed pesticide dealers.

(dollars in thousands)

	Fiscal Year 1989			Fiscal Year 1990		
	Current Law	Proposed Law	Increase (Decrease)	Current Law	Proposed Law	Increase (Decrease)
<u>REVENUE</u>						
Pesticide Fund \$	50	50	0	50	50	0
Ag. Mgmt. Acct.	20	316	296	20	316	296
<u>NET EFFECT</u>	<u>70</u>	<u>366</u>	<u>296</u>	<u>70</u>	<u>366</u>	<u>296</u>

SOURCE: Department of Agriculture and Land Stewardship (LSB 7826S, JKH)

Dennis A. Prouty
Fiscal Director

Legislative Fiscal Bureau

Date: 3/10/88

S-5342

SENATE FILE 2247

1 Amend Amendment S-5334 to Senate File 2247 as
2 follows:
3 1. Page 1, lines 17 and 18 by striking the words
4 "for each month of".

S-5342

Filed March 14, 1988

BY JIM RIORDAN

Adopted 3/14 (p. 215)

SENATE FILE 2247

S-5343

1 Amend Senate File 2247 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 206.2, subsection 12, Code
5 Supplement 1987, is amended to read as follows:
6 12. "Commercial applicator" means any person,
7 ~~corporation, or employee of a person or corporation~~
8 who enters into a contract or an agreement for the
9 sake of monetary payment and agrees to perform a
10 service by applying any pesticide or servicing any
11 device but ~~shall~~ does not include a farmer trading
12 work with another, a person employed by a farmer not
13 solely as a pesticide applicator who applies pesticide
14 as an incidental part of the person's general duties,
15 or a person who applies pesticide as an incidental
16 part of a custom farming operation."
17 2. By renumbering as necessary.

S-5343

Filed March 14, 1988

WITHDRAWN *(p. 794)* BY WILLIAM PALMER
DAVID READINGER

SENATE FILE 2247

S 5353

1 Amend Senate File 2247 as follows:
2 1. Page 1, by striking lines 31 through 35, and
3 inserting the following: "furnished by the secretary,
4 and the secretary shall set the registration fee
5 annually at one-fifth of one percent of gross sales
6 within this state with a minimum fee of two hundred
7 fifty dollars and a maximum fee of three thousand
8 dollars for each and every brand and".

S-5353

Filed March 14, 1988 ADOPTED *(p. 794)* BY BERL E. PRIEBE

SENATE FILE 2247

S-5354

1 Amend Senate File 2247 as follows:
2 1. Page 1, line 4, by striking the word "greater"
3 and inserting the following: "lesser".

S-5354

Filed March 14, 1988 ADOPTED *(p. 794)* BY BERL E. PRIEBE

S-5334

1 Amend Senate File 2247 as follows:

2 1. By striking page 2, line 17, through page 3,
3 line 2, and inserting the following:

4 "Sec. ____ Section 206.12, subsection 7, Code
5 Supplement 1987, is amended by striking the subsection
6 and inserting in lieu thereof the following:

7 7. a. Each licensee under section 206.8 who sells
8 pesticides at retail or who applies pesticides in this
9 state shall file an annual report with the secretary
10 of agriculture in a form specified by the secretary of
11 agriculture and in accordance with the following:

12 (1) For each individually labeled pesticide
13 product sold by a licensee, if gross retail sales of
14 that brand by the licensee are ten thousand dollars or
15 more, a licensee shall include in the report the
16 individual label name and amount of each pesticide
17 sold at retail or applied in this state for each month
18 of the previous year for each business location owned
19 or operated by the licensee, and any additional
20 information which the secretary may, by rule, require
21 in order to determine pesticide use within the state.

22 (2) For each labeled pesticide product sold at
23 retail or applied in this state by a licensee, if the
24 gross retail sales of that labeled product by the
25 licensee are less than ten thousand dollars, a
26 licensee shall report the total gross receipts of
27 those pesticides sold at retail.

28 b. The report required shall be filed at the time
29 of payment for licensure or annually on or before July

30 1. The information collected shall remain
31 confidential. Public reporting concerning the
32 information collected shall be done in a manner which
33 does not identify a specific brand name in the report.

34 Sec. ____ Section 206.23, subsection 1, Code 1987,
35 is amended to read as follows:

36 1. An advisory committee to the secretary is
37 created. The advisory committee shall have the
38 following members:

39 a. The dean, college of veterinary medicine, Iowa
40 State University of science and technology, or the
41 dean's designee;

42 b. The dean, college of medicine, University of
43 Iowa, or the dean's designee;

44 c. An entomologist, botanist, geneticist,
45 horticulturist, agronomist and two persons
46 representing the general public appointed by the
47 secretary. ~~Appointive-members-of-the-advisory~~

48 ~~committee-shall-serve-terms-of-four-years-~~
49 d. A manufacturer of pesticides, a distributor of
50 pesticides, a retail pesticide dealer, and a pesticide

Page 2

1 applicator appointed by the secretary.

2 Appointed members of the advisory committee shall

3 serve terms of four years."

S-5334

Filed March 11, 1988

ADOPTED

BY JIM RIORDAN

RICHARD VARN

HURLEY W. HALL

BERL E. PRIEBE
CALVIN O. HULTMAN
PATRICK DELUHERY

SENATE AMENDMENT TO HOUSE AMENDMENT TO
SENATE FILE 2247

H-6520

1 Amend the House amendment, S-6035, to Senate File
2 2247, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 39, by striking the word "two"
5 and inserting the following: "three".

6 2. Page 2, by inserting after line 9 the
7 following:

8 "e. The information collected and included in the
9 report required under this section shall remain
10 confidential. Public reporting concerning the
11 information collected shall be performed in a manner
12 which does not identify a specific brand name in the
13 report."

RECEIVED FROM THE SENATE

H-6520 FILED APRIL 15, 1988
CONCURRED (p. 2039)

SENATE FILE 2247

H-6403

1 Amend the amendment, H-5859, to Senate File 2247 as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 1, line 17, by inserting after the word
5 "name" the following: "and dollar amount".

By JOHNSON of Winneshiek

H-6403 FILED APRIL 12, 1988

Adopted 4/13 (p. 1824)

SENATE FILE 2247

H-6411

1 Amend amendment, H-5859, to Senate File 2247 as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 4 the
5 following:

6 " . Page 1, line 11, by inserting after the
7 word "thereafter." the following: "The secretary
8 shall provide for a ninety-day grace period for
9 licensure and shall impose a late fee of two percent
10 of gross retail sales upon the licensure of a
11 pesticide dealer applying for licensure during the
12 period July 2 through July 31, a late fee of four
13 percent of gross retail sales upon the licensure of a
14 pesticide dealer applying for licensure during the
15 month of August, and a late fee of five percent of
16 gross retail sales upon the licensure of a pesticide
17 dealer applying for licensure during the month of
18 September."

19 2. Page 1, line 11, by inserting after the word
20 "report" the following: "at the time of application
21 for licensure".

By LUNDBY of Linn
OSTERBERG of Linn

H-6411 FILED APRIL 12, 1988

Adopted 4/13 (p. 1824)

HOUSE AMENDMENT TO
SENATE FILE 2247

035

1 Amend Senate File 2247 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 4, by striking the word "lesser"
4 and inserting the following: "greater".

5 2. Page 1, line 11, by inserting after the word
6 "thereafter." the following: "The secretary shall
7 provide for a ninety-day grace period for licensure
8 and shall impose a late fee of two percent of gross
9 retail sales upon the licensure of a pesticide dealer
10 applying for licensure during the period July 2
11 through July 31, a late fee of four percent of gross
12 retail sales upon the licensure of a pesticide dealer
13 applying for licensure during the month of August, and
14 a late fee of five percent of gross retail sales upon
15 the licensure of a pesticide dealer applying for
16 licensure during the month of September."

17 3. Page 2, by striking lines 7 through 10 and
18 inserting the following: "exemptions to the minimum
19 fee. Fifty".

20 4. By striking page 2, line 20 through page 3,
21 line 26, and inserting the following:

22 "7. a. Each licensee under section 206.8 shall
23 file an annual report at the time of application for
24 licensure with the secretary of agriculture in a form
25 specified by the secretary of agriculture and which
26 includes the following information:

27 (1) The gross retail sales of the pesticides sold
28 by the licensee at retail for use in this state.

29 (2) The individual label name and dollar amount of
30 each pesticide sold at retail for which gross retail
31 sales of the individual pesticide are three thousand
32 dollars or more.

33 b. A person who is subject to the household
34 hazardous materials permit requirements, and whose
35 gross annual retail sales of pesticides are less than
36 ten thousand dollars for each business location owned
37 or operated by the person, shall report annually, the
38 individual label name of an individual pesticide for
39 which annual gross retail sales are two thousand
40 dollars or more. The information shall be submitted
41 on a form provided to household hazardous materials
42 permittees by the department of natural resources, and
43 the department of natural resources shall remit the
44 forms to the department of agriculture and land
45 stewardship.

46 c. Notwithstanding the reporting requirements of
47 this section, the secretary of agriculture may, upon
48 recommendation of the advisory committee created
49 pursuant to section 206.23, and if the committee
50 declares a pesticide to be a pesticide of special

S-6035 Page 2

1 concern, require the reporting of annual gross retail
2 sales of a pesticide.

3 d. A person who sells feed which contains a
4 pesticide as an integral part of the feed mixture,
5 shall not be subject to the reporting requirements of
6 this section. However, a person who manufactures feed
7 which contains a pesticide as an integral part of the
8 feed mixture shall be subject to the licensing
9 requirements of section 206.8."

10 5. By renumbering as necessary.

S-6035

Filed April 15, 1988

ADOPTED

RECEIVED FROM THE HOUSE

*as amended by 6043
(p. 1049)*

SENATE FILE 2247

S-6043

1 Amend the House amendment, S-6035, to Senate File
2 2247, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 39, by striking the word "two"
5 and inserting the following: "three".

6 2. Page 2, by inserting after line 9 the
7 following:

8 "e. The information collected and included in the
9 report required under this section shall remain
10 confidential. Public reporting concerning the
11 information collected shall be performed in a manner
12 which does not identify a specific brand name in the
13 report."

S-6043

Filed April 15, 1988

ADOPTED

BY ALVIN MILLER

PATRICK J. DELANEY

(p. 1049)

SENATE FILE 2247

H-5859

1 Amend Senate File 2247 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 4, by striking the word "lesser"
4 and inserting the following: "greater".

5 2. Page 2, by striking lines 7 through 10 and
6 inserting the following: "exemptions to the minimum
7 fee. Fifty".

8 3. By striking page 2, line 20 through page 3,
9 line 26, and inserting the following:

10 "7. a. Each licensee under section 206.8 shall
11 file an annual report with the secretary of
12 agriculture in a form specified by the secretary of
13 agriculture and which includes the following
14 information:

15 (1) The gross retail sales of the pesticides sold
16 by the licensee at retail for use in this state.

17 (2) The individual label name of each pesticide
18 sold at retail for which gross retail sales of the
19 individual pesticide are two thousand dollars or more.

20 b. A person who is subject to the household
21 hazardous materials permit requirements, and whose
22 gross annual retail sales of pesticides are less than
23 ten thousand dollars for each business location owned
24 or operated by the person, shall report annually, the
25 individual label name of an individual pesticide for
26 which annual gross retail sales are two thousand
27 dollars or more. The information shall be submitted
28 on a form provided to household hazardous materials
29 permittees by the department of natural resources, and
30 the department of natural resources shall remit the
31 forms to the department of agriculture and land
32 stewardship.

33 c. Notwithstanding the reporting requirements of
34 this section, the secretary of agriculture may, upon
35 recommendation of the advisory committee created
36 pursuant to section 206.23, and if the committee
37 declares a pesticide to be a pesticide of special
38 concern, require the reporting of annual gross retail
39 sales of a pesticide.

40 d. A person who sells feed which contains a
41 pesticide as an integral part of the feed mixture,
42 shall not be subject to the reporting requirements of
43 this section. However, a person who manufactures feed
44 which contains a pesticide as an integral part of the
45 feed mixture shall be subject to the licensing
46 requirements of section 206.8."

47 4. By renumbering as necessary.

By COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION
ROSENBERG of Story, Chairperson

H-5859 FILED MARCH 24, 1988

*Adopted as amended by 59 31 & 616
4/13 (p. 1825)*

SENATE FILE 2247

H-5927

1 Amend the House amendment, H-5859, to Senate File
2 2247, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 19, by striking the word "two"
5 and inserting the following: "ten".

By LUNDBY of Linn

H-5927 FILED MARCH 28, 1988

w/25 4/13 (p. 1824)

SENATE FILE 2247

H-5931

1 Amend the House amendment, H-5859, to Senate File
2 2247 as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 19, by striking the word "two"
5 and inserting the following: "three".

By LUNDBY of Linn

H-5931 FILED MARCH 28, 1988

Adopted 4/13 (p. 1825)

SENATE FILE 2247

H-6016

1 Amend amendment, H-5859, to Senate File 2247 as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 4 the
5 following:

6 "_____. Page 1, line 10, by striking the words and
7 figures "July 1, 1988, and July 1" and inserting the
8 following: "~~July 1, 1988, and July 1~~ January 1, 1988,
9 and January 1".

10 _____ Page 1, line 12, by striking the words and
11 figures "July 1, 1987 through June 30, 1988" and
12 inserting the following: "~~July 1, 1987 through June~~
13 ~~30, 1988~~ January 1, 1987 through December 31, 1988."

14 2. Page 1, line 11, by inserting after the word
15 "report" the following: "by January 1".

16 3. By renumbering as necessary.

By LUNDBY of Linn

H-6016 FILED MARCH 29, 1988

w/25 4/13 (p. 1824)

*Gen. Enery 3/15
Amended for SF 59574 Pl. Pass 3/24 (p. 1365)*

SENATE FILE 2247
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

(AS AMENDED AND PASSED BY THE SENATE MARCH 14, 1988)
_____ - New Language by the Senate

Passed Senate, Date 4/15/88 (p. 1622) Passed House, Date 4/13/88 (p. 1825)
Vote: Ayes 47 Nays 0 Vote: Ayes 92 Nays 2
Approved May 4, 1988
Repassed House 4/15/88 (p. 2046)
76-3

A BILL FOR

1 An Act relating to the regulation and reporting of certain
2 pesticides.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2247

1 Section 1. Section 206.8, subsection 2, unnumbered
2 paragraph 1, Code Supplement 1987, is amended to read as
3 follows:

5 A pesticide dealer shall pay the lesser of a minimum annual
6 license fee of twenty-five dollars or an annual license fee
7 based on one-tenth of one percent of the gross retail sales of
8 all pesticides sold at retail for use in this state by the
9 pesticide dealer in the previous year. The annual license fee
10 shall be paid to the department of agriculture and land
11 stewardship, beginning July 1, 1988, and July 1 of each year
12 thereafter. A licensee shall pay a fee of twenty-five dollars
13 for the period July 1, 1987 through June 30, 1988.

14 Sec. 2. Section 206.12, subsection 1, unnumbered paragraph
15 1, Code Supplement 1987, is amended to read as follows:

16 Every pesticide which is distributed, sold, or offered for
17 sale for use within this state or delivered for transportation
18 or transported in intrastate commerce between points within
19 the state through any point outside this state shall be
20 registered with the department of agriculture and land
21 stewardship. All registration of products shall expire on the
22 thirty-first day of December following date of issuance,
23 unless such registration shall be renewed annually, in which
24 event expiration date shall be extended for each year of
25 renewal registration, or until otherwise terminated; provided
26 that:

27 Sec. 3. Section 206.12, subsection 3, Code Supplement
28 1987, is amended to read as follows:

29 3. The registrant, before selling or offering for sale any
30 pesticide for use in this state, shall register each brand and
31 grade of such pesticide with the secretary upon forms
32 furnished by the secretary, and the secretary shall set the
33 registration fee annually at one-fifth of one percent of gross
34 sales within this state with a minimum fee of two hundred
35 fifty dollars and a maximum fee of three thousand dollars for
each and every brand and grade to be offered for sale in this

1 state except as otherwise provided. The annual registration
2 fee for products with gross annual sales in this state of less
3 than one million five hundred thousand dollars shall be the
4 greater of two hundred fifty dollars or one-fifth of one
5 percent of the gross annual sales as established by affidavit
6 of the registrant. The secretary shall adopt by rule
7 exemptions to the minimum fee these fees for products with
8 gross annual sales in this state during the previous year of
9 less than twenty thousand dollars if the products are not
10 substantially similar to other registered products. Fifty
11 dollars of each fee collected shall be deposited in the
12 treasury to the credit of the pesticide fund to be used only
13 for the purpose of enforcing the provisions of this chapter
14 and the remainder of each fee collected shall be placed in the
15 agriculture management account of the groundwater protection
16 fund.

17 Sec. 4. Section 206.12, subsection 7, Code Supplement
18 1987, is amended by striking the subsection and inserting in
19 lieu thereof the following:

20 7. a. Each licensee under section 206.8 who sells
21 pesticides at retail or who applies pesticides in this state
22 shall file an annual report with the secretary of agriculture
23 in a form specified by the secretary of agriculture and in
24 accordance with the following:

25 (1) For each individually labeled pesticide product sold
26 by a licensee, if gross retail sales of that brand by the
27 licensee are ten thousand dollars or more, a licensee shall
28 include in the report the individual label name and amount of
29 each pesticide sold at retail or applied in this state the
30 previous year for each business location owned or operated by
31 the licensee, and any additional information which the
32 secretary may, by rule, require in order to determine
33 pesticide use within the state.

34 (2) For each labeled pesticide product sold at retail or
35 applied in this state by a licensee, if the gross retail sales

1 of that labeled product by the licensee are less than ten
2 thousand dollars, a licensee shall report the total gross
3 receipts of those pesticides sold at retail.

4 b. The report required shall be filed at the time of
5 payment for licensure or annually on or before July 1. The
6 information collected shall remain confidential. Public
7 reporting concerning the information collected shall be done
8 in a manner which does not identify a specific brand name in
9 the report.

10 Sec. 5. Section 206.23, subsection 1, Code 1987, is
11 amended to read as follows:

12 1. An advisory committee to the secretary is created. The
13 advisory committee shall have the following members:

14 a. The dean, college of veterinary medicine, Iowa State
15 University of science and technology, or the dean's designee;

16 b. The dean, college of medicine, University of Iowa, or
17 the dean's designee;

18 c. An entomologist, botanist, geneticist, horticulturist,
19 agronomist and two persons representing the general public
20 appointed by the secretary. ~~Appointive members of the~~
21 ~~advisory committee shall serve terms of four years.~~

22 d. A manufacturer of pesticides, a distributor of
23 pesticides, a retail pesticide dealer, and a pesticide
24 applicator appointed by the secretary.

25 Appointed members of the advisory committee shall serve
26 terms of four years.

27 SUCCESSOR TO SSB 2225 (LSB 7826SC)
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LSB

SSB 2225

ENVIRONMENT &
ENERGY UTILITIES

SSB 2225

ENVIRONMENT & ENERGY UTILITIES A. Miller, Chair, Murphy and Rife E FILE 2247

BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation and reporting of certain
2 pesticides.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 206.8, subsection 2, unnumbered
2 paragraph 1, Code Supplement 1987, is amended to read as
3 follows:

4 A pesticide dealer shall pay the greater of a minimum
5 annual license fee of twenty-five dollars or an annual license
6 fee based on one-tenth of one percent of the gross retail
7 sales of all pesticides sold at retail for use in this state
8 by the pesticide dealer in the previous year. The annual
9 license fee shall be paid to the department of agriculture and
10 land stewardship, beginning July 1, 1988, and July 1 of each
11 year thereafter. A licensee shall pay a fee of twenty-five
12 dollars for the period July 1, 1987 through June 30, 1988.

13 Sec. 2. Section 206.12, subsection 1, unnumbered paragraph
14 1, Code Supplement 1987, is amended to read as follows:

15 Every pesticide which is distributed, sold, or offered for
16 sale for use within this state or delivered for transportation
17 or transported in intrastate commerce between points within
18 the state through any point outside this state shall be
19 registered with the department of agriculture and land
20 stewardship. All registration of products shall expire on the
21 thirty-first day of December following date of issuance,
22 unless such registration shall be renewed annually, in which
23 event expiration date shall be extended for each year of
24 renewal registration, or until otherwise terminated; provided
25 that:

26 Sec. 3. Section 206.12, subsection 3, Code Supplement
27 1987, is amended to read as follows:

28 3. The registrant, before selling or offering for sale any
29 pesticide for use in this state, shall register each brand and
30 grade of such pesticide with the secretary upon forms
31 furnished by the secretary, ~~and the secretary shall set the~~
32 ~~registration fee annually at one-fifth of one percent of gross~~
33 ~~sales within this state with a minimum fee of two hundred~~
34 ~~fifty dollars and a maximum.~~ The annual registration fee of
35 shall be three thousand dollars for each and every brand and

1 grade to be offered for sale in this state except as otherwise
2 provided. The annual registration fee for products with gross
3 annual sales in this state of less than one million five
4 hundred thousand dollars shall be the greater of two hundred
5 fifty dollars or one-fifth of one percent of the gross annual
6 sales as established by affidavit of the registrant. The
7 secretary shall adopt by rule exemptions to the-minimum-fee
8 these fees for products with gross annual sales in this state
9 during the previous year of less than twenty thousand dollars
10 if the products are not substantially similar to other
11 registered products. Fifty dollars of each fee collected
12 shall be deposited in the treasury to the credit of the
13 pesticide fund to be used only for the purpose of enforcing
14 the provisions of this chapter and the remainder of each fee
15 collected shall be placed in the agriculture management
16 account of the groundwater protection fund.

17 Sec. 4. Section 206.12, subsection 7, Code Supplement
18 1987, is amended to read as follows:

19 7. Each licensee under section 206.6 or 206.8 who sells
20 pesticides at retail or who applies pesticides in this state
21 shall file an annual report with the secretary of agriculture
22 listing the amount and type of all pesticides sold~~7-offered~~
23 ~~for-sale7-or-distributed~~ at retail for use in this state, or
24 applied in this state during each month of the previous year.
25 This report shall be filed at the time of payment for
26 licensure or annually on or before July 1. The secretary, by
27 rule, may specify the form of the report and require
28 additional information from retailers and applicators deemed
29 necessary to determine pesticide use within the state. The
30 information required shall include the brand names and amounts
31 of pesticides sold~~7-offered-for-sale7-or-distributed~~ at retail
32 for use in this state for each business location owned or
33 operated by the retailer~~7-but-the.~~ The information collected7
34 if-made-public7 shall be reported kept confidential. Public
35 reporting concerning the information collected shall be done

1 in a manner which does not identify a specific brand name in
2 the report.

3 EXPLANATION

4 Section 1 of this bill relates to determining the basis for
5 certain pesticide dealer fees.

6 Section 2 relates to the registration of pesticides which
7 are distributed, sold, or offered for sale for use within this
8 state.

9 Section 3 relates to the calculation of registration fees
10 for pesticides which are sold or offered for sale for use in
11 this state.

12 Section 4 relates to reporting of certain pesticide
13 products by licensees under section 206.6 or 206.8 who sell
14 pesticides at retail or who apply pesticides in this state.
15 It also provides for the confidentiality of information
16 reported.

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SENATE FILE 2247

AN ACT

RELATING TO THE REGULATION AND REPORTING OF CERTAIN PESTICIDES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 206.8, subsection 2, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

A pesticide dealer shall pay the greater of a minimum annual license fee of twenty-five dollars or an annual license fee based on one-tenth of one percent of the gross retail sales of all pesticides sold at retail for use in this state by the pesticide dealer in the previous year. The annual license fee shall be paid to the department of agriculture and land stewardship, beginning July 1, 1988, and July 1 of each year thereafter. The secretary shall provide for a ninety-day grace period for licensure and shall impose a late fee of two percent of gross retail sales upon the licensure of a pesticide dealer applying for licensure during the period July 2 through July 31, a late fee of four percent of gross retail sales upon the licensure of a pesticide dealer applying for licensure during the month of August, and a late fee of five percent of gross retail sales upon the licensure of a pesticide dealer applying for licensure during the month of September. A licensee shall pay a fee of twenty-five dollars for the period July 1, 1987 through June 30, 1988.

Sec. 2. Section 206.12, subsection 1, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

Every pesticide which is distributed, sold, or offered for sale for use within this state or delivered for transportation or transported in intrastate commerce between points within the state through any point outside this state shall be registered with the department of agriculture and land stewardship. All registration of products shall expire on the thirty-first day of December following date of issuance, unless such registration shall be renewed annually, in which event expiration date shall be extended for each year of renewal registration, or until otherwise terminated; provided that:

Sec. 3. Section 206.12, subsection 3, Code Supplement 1987, is amended to read as follows:

3. The registrant, before selling or offering for sale any pesticide for use in this state, shall register each brand and grade of such pesticide with the secretary upon forms furnished by the secretary, and the secretary shall set the registration fee annually at one-fifth of one percent of gross sales within this state with a minimum fee of two hundred fifty dollars and a maximum fee of three thousand dollars for each and every brand and grade to be offered for sale in this state except as otherwise provided. The annual registration fee for products with gross annual sales in this state of less than one million five hundred thousand dollars shall be the greater of two hundred fifty dollars or one-fifth of one percent of the gross annual sales as established by affidavit of the registrant. The secretary shall adopt by rule exemptions to the minimum fee. Fifty dollars of each fee collected shall be deposited in the treasury to the credit of the pesticide fund to be used only for the purpose of enforcing the provisions of this chapter and the remainder of each fee collected shall be placed in the agriculture management account of the groundwater protection fund.

Sec. 4. Section 206.12, subsection 7, Code Supplement 1987, is amended by striking the subsection and inserting in lieu thereof the following:

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7. a. Each licensee under section 206.8 shall file an annual report at the time of application for licensure with the secretary of agriculture in a form specified by the secretary of agriculture and which includes the following information:

(1) The gross retail sales of the pesticides sold by the licensee at retail for use in this state.

(2) The individual label name and dollar amount of each pesticide sold at retail for which gross retail sales of the individual pesticide are three thousand dollars or more.

b. A person who is subject to the household hazardous materials permit requirements, and whose gross annual retail sales of pesticides are less than ten thousand dollars for each business location owned or operated by the person, shall report annually, the individual label name of an individual pesticide for which annual gross retail sales are three thousand dollars or more. The information shall be submitted on a form provided to household hazardous materials permittees by the department of natural resources, and the department of natural resources shall remit the forms to the department of agriculture and land stewardship.

c. Notwithstanding the reporting requirements of this section, the secretary of agriculture may, upon recommendation of the advisory committee created pursuant to section 206.23, and if the committee declares a pesticide to be a pesticide of special concern, require the reporting of annual gross retail sales of a pesticide.

d. A person who sells feed which contains a pesticide as an integral part of the feed mixture, shall not be subject to the reporting requirements of this section. However, a person who manufactures feed which contains a pesticide as an integral part of the feed mixture shall be subject to the licensing requirements of section 206.8.

e. The information collected and included in the report required under this section shall remain confidential. Public

reporting concerning the information collected shall be performed in a manner which does not identify a specific brand name in the report.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2247, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 4, 1988

TERRY E. BRANSTAD
Governor