

FILED JAN 16 1991

SENATE FILE 33  
BY COMMITTEE ON  
AGRICULTURE

(SUCCESSOR TO LSB 1381SC)

Passed Senate, Date 1/31/91 (p. 200) Passed House, Date 4/15/91 (P. 1248)  
Vote: Ayes 48 Nays 0 Vote: Ayes 98 Nays 0  
Approved May 1, 1991

A BILL FOR

3009 1 An Act amending the pesticide Act of Iowa, by providing  
2 requirements for pesticide dealers, providing registration  
3 requirements, and providing for fees.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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SENATE FILE 33

S-3009

- 1 Amend Senate File 33 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "retail" the following: "pesticide".
- 4 2. By striking page 3, line 7, through page 4,
- 5 line 1.
- 6 3. Title page, lines 2 and 3, by striking the
- 7 words "providing registration requirements,".
- 8 4. By renumbering as necessary.

By COMMITTEE ON WAYS AND MEANS  
WILLIAM W. DIELEMAN,  
CHAIRPERSON

S-3009 FILED JANUARY 29, 1991  
*Adopted 1/21*

1 Section 1. Section 206.8, subsection 2, Code 1991, is  
2 amended to read as follows:

3 2. A pesticide dealer shall pay by June 30 of each year to  
4 the department an annual license fee based on the gross retail  
5 sales of all pesticides sold for use in this state by the  
6 dealer in the previous year. The license fee shall be set as  
7 follows:

8 a. A pesticide dealer with less than one hundred thousand  
9 dollars in gross retail pesticide sales shall have the option  
10 to pay a license fee based on one-tenth of one percent of the  
11 gross retail sales in the previous year or to pay a license  
12 fee according to the following:

13 (1) Twenty-five dollars, if the annual gross retail  
14 pesticide sales are less than twenty-five thousand dollars.

15 (2) Fifty dollars, if the annual gross retail pesticide  
16 sales are twenty-five thousand dollars or more but less than  
17 fifty thousand dollars.

18 (3) Seventy-five dollars, if the annual gross retail  
19 pesticide sales are fifty thousand dollars or more but less  
20 than seventy-five thousand dollars.

21 (4) One hundred dollars, if the annual gross retail  
22 pesticide sales are seventy-five thousand dollars or more but  
23 less than one hundred thousand dollars.

24 The secretary shall provide for a three-month grace period  
25 for licensure and shall impose a late fee of ten dollars upon  
26 the licensure of a dealer applying for licensure during the  
27 month of October, a late fee of fifteen dollars upon the  
28 licensure of a dealer applying for licensure during the month  
29 of November, a late fee of twenty-five dollars upon the  
30 licensure of a dealer applying for licensure during the month  
31 of December, and a late fee of twenty-five dollars upon the  
32 licensure of a dealer applying for licensure for each month  
33 after the month of December.

34 b. A pesticide dealer with one hundred thousand dollars or  
35 more in gross retail pesticide sales shall pay the-greater-of

1 a ~~minimum-annual~~ license fee ~~of-twenty-five-dollars-or-an~~  
2 ~~annual-license-fee~~ based on one-tenth of one percent of the  
3 gross retail pesticide sales ~~of-all-pesticides-sold-at-retail~~  
4 ~~for-use-in-this-state-by-the-pesticide-dealer~~ in the previous  
5 year. ~~The-annual-license-fee-shall-be-paid-to-the-department~~  
6 ~~of-agriculture-and-land-stewardship,~~ beginning ~~July-1,~~ 1988,  
7 and ~~July-1-of-each-year-thereafter.~~ The secretary shall  
8 provide for a ~~ninety-day~~ three-month grace period for  
9 licensure and shall impose a late fee of two percent of gross  
10 ~~retail-sales~~ the license fee upon the licensure of a ~~pesticide~~  
11 dealer applying for licensure during the ~~period-July-2-through~~  
12 ~~July-31~~ month of October, a late fee of four percent of gross  
13 ~~retail-sales~~ the license fee upon the licensure of a ~~pesticide~~  
14 dealer applying for licensure during the month of ~~August~~  
15 November, and a late fee of five percent of ~~gross-retail-sales~~  
16 the license fee upon the licensure of a ~~pesticide~~ dealer  
17 applying for licensure during the month of ~~September~~ December,  
18 and a late fee of five percent upon the ~~licensure of a dealer~~  
19 applying for licensure for each month after the month of  
20 December. ~~A-licensee-shall-pay-a-fee-of-twenty-five-dollars~~  
21 ~~for-the-period-July-1, 1987, through-June-30, 1988.~~

22 ~~The-initial~~ Up to twenty-five dollars of each annual  
23 license fee shall be retained by the department for  
24 administration of the program, and the remaining moneys  
25 collected shall be deposited in the agriculture management  
26 account of the groundwater protection fund.

27 Sec. 2. Section 206.10, Code 1991, is amended to read as  
28 follows:

29 206.10 LICENSE RENEWALS -- DELINQUENT FEE.

30 If the application for renewal of ~~any~~ a license provided  
31 for in this chapter, other than a pesticide dealer license, is  
32 not filed prior to the first of January in any year, a  
33 delinquent fee of twenty-five percent shall be assessed and  
34 added to the original fee and shall be paid by the applicant  
35 before the renewal license ~~shall-be~~ is issued. A delinquent

1 fee ~~shall~~ does not apply if the applicant furnishes an  
2 affidavit certifying that the applicant has not applied  
3 pesticides after the expiration of the applicant's license.  
4 All licenses issued under this chapter ~~shall~~ expire December  
5 31 each year. However, a license issued to a pesticide dealer  
6 expires as provided in section 206.8.

3000 7 Sec. 3. Section 206.12, subsection 3, Code 1991, is  
8 amended to read as follows:

9 3. The registrant, before selling or offering for sale any  
10 pesticide for use in this state, shall register each brand and  
11 grade of such the pesticide with the secretary upon forms  
12 furnished by the secretary, and the secretary shall set the  
13 registration fee annually at ~~one-fifth-of-one-percent-of-gross~~  
14 ~~sales-within-this-state-with-a-minimum-fee-of-two-hundred~~  
15 ~~fifty-dollars-and-a-maximum-fee-of~~ three thousand dollars for  
16 each ~~and-every~~ brand and grade to be offered for sale in this  
17 state except as otherwise provided. The annual registration  
18 fee for products with gross annual sales in this state of less  
19 than one million five hundred thousand dollars shall be the  
20 greater of two hundred fifty dollars or one-fifth of one  
21 percent of the gross annual sales as established by affidavit  
22 of the registrant. The secretary shall provide for a grace  
23 period ending on the first day of March of each year for  
24 registration renewal. A registrant shall be assessed by the  
25 secretary a late fee equaling twenty-five percent of the  
26 registration fees due by the registrant delivering an  
27 application for registration renewal after the first day of  
28 March of each year. The secretary may adopt rules to provide  
29 for registration, registration renewal, and registration  
30 cancellation. The secretary shall adopt by rule exemptions to  
31 from the minimum fee. Fifty dollars of each fee collected  
32 shall be deposited in the treasury to the credit of the  
33 pesticide fund to be used only for the purpose of enforcing  
34 ~~the-provisions-of~~ this chapter, and the remainder of each fee  
35 collected shall be placed in the agriculture management

1 account of the groundwater protection fund.

2 Sec. 4. Section 206.12, subsection 7, paragraph a,  
3 subparagraph (1), Code 1991, is amended to read as follows:

4 (1) The gross retail sales of the all pesticides sold by  
5 the-licensee at retail for use in this state by a licensee  
6 with one hundred thousand dollars or more in gross retail  
7 sales of the pesticides sold for use in this state.

8 EXPLANATION

9 This bill amends the pesticide Act of Iowa in chapter 206  
10 of the Code. The fee structure for licensing pesticide  
11 dealers is modified. Dealers having less than \$100,000 in  
12 gross sales are provided the option of paying the annual fee  
13 either based on one-tenth percent of the gross retail sales in  
14 the previous year, or based on a schedule. The schedule  
15 provides for set fees based on gross retail sales ranging from  
16 \$25 to \$100.

17 The bill provides that pesticide dealers applying for  
18 licensure are provided a grace period from the first day of  
19 July to the thirtieth day of September before a late fee is  
20 imposed.

21 The late fee for dealers having less than \$100,000 in gross  
22 retail sales of pesticides is based on a schedule of  
23 increasing amounts for each month of delinquency. The late  
24 fee for dealers having more than \$100,000 in gross retail  
25 sales of pesticides is based on a different schedule  
26 calculating the amount based on an increasing percentage of  
27 the license fee for each month of delinquency.

28 The bill provides that persons required to register a  
29 pesticide are provided a grace period from the first day of  
30 January to the first day of March to register with the  
31 secretary of agriculture. The bill requires the registrant to  
32 pay a late fee of 25 percent of the registration fee due after  
33 the first day of March.

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SENATE FILE 33  
FISCAL NOTE

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A fiscal note for Senate File 33 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 33 amends Section 206.8, subsection 2, Iowa Code, by changing the fees for obtaining a pesticide dealer's license. Currently, all dealers are required to pay the greater of a minimum annual license fee of twenty five dollars, or an amount of 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.

This bill would change this for pesticide dealers with less than one hundred thousand dollars in gross retail sales. These dealers would have the option of paying an amount of one-tenth of one percent of the gross retail sales in the previous year, or:

1. \$25, if sales are less than \$25,000.
2. \$50, if sales are between \$25,000 and \$50,000.
3. \$75, if sales are between \$50,000 and \$75,000.
4. \$100, if sales are between \$75,000 and \$100,000.

This bill also provides that pesticide dealers applying for licensure are provided a grace period from the first day of July to the thirtieth day of September before a late fee is imposed, with late fees based on a schedule of increasing amounts for each month of delinquency. It also provides that persons required to register a pesticide are provided a grace period from the first day of January to the first day of March, with the registrant to pay a late fee of 25% of the registration fee due after the first day of March.

Assumptions:

1. The revenues collected in FY 1992 and FY 1993 will be the same as collected in FY 91.

Fiscal Effect:

Pesticide dealers with less than one hundred thousand dollars annual pesticide sales will pay a slightly larger fee, resulting in a minor increase in of approximately \$2,886 in revenue for the agriculture management account of the groundwater fund for each of FY 1992 and FY 1993.

Source: Department of Agriculture and Land Stewardship (LSB 1381sv, AAW)

FILED JANUARY 28, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR

*Has Ag. Do Pass 3/18*

SENATE FILE 33

BY COMMITTEE ON  
AGRICULTURE

(SUCCESSOR TO LSB 1381SC)

(AS AMENDED AND PASSED BY THE SENATE JANUARY 31, 1991)

\_\_\_\_\_ - New Language by the Senate

\* \_\_\_\_\_ - Language Stricken by the Senate

Passed Senate, Date 1/31/91 (p. 200) Passed House, Date 4/15/91 (p. 1248)  
Vote: Ayes 48 Nays 0 Vote: Ayes 98 Nays 0  
Approved May 1, 1991 (p. 1598)

*Motion to Reconsider (p. 1258)  
" provided 4/17  
Reconsidered & Repassed  
4/17/91 (p. 1308)  
aye 96, Nays 0*

A BILL FOR

- 1 An Act amending the pesticide Act of Iowa, by providing
- 2 requirements for pesticide dealers, and providing for fees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 33

H-3358

1 Amend Senate File 33, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the fol-  
4 lowing:

5 "Section 1. Section 206.5, Code 1991, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 6A. An employee of a commercial  
8 applicator applying pesticides for the purpose of  
9 preserving a wooden utility pole shall not be required  
10 to satisfy any continuing education requirement, if  
11 the commercial applicator passes an examination each  
12 year as provided by the secretary under this section."

13 2. Title page, line 2, by inserting after the  
14 word "pesticide" the following: "applicators and".

15 3. By renumbering as necessary.

By BANKS of Plymouth

H-3358 FILED MARCH 26, 1991

*Adopted 4/15/91 (p. 1248)  
reconsidered & repassed 4/17 (p. 1308)*

S.F. 33

33587

1 Section 1. Section 206.8, subsection 2, Code 1991, is  
2 amended to read as follows:

3 2. A pesticide dealer shall pay by June 30 of each year to  
4 the department an annual license fee based on the gross retail  
5 sales of all pesticides sold for use in this state by the  
6 dealer in the previous year. The license fee shall be set as  
7 follows:

8 a. A pesticide dealer with less than one hundred thousand  
9 dollars in gross retail pesticide sales shall have the option  
10 to pay a license fee based on one-tenth of one percent of the  
11 gross retail pesticide sales in the previous year or to pay a  
12 license fee according to the following:

13 (1) Twenty-five dollars, if the annual gross retail  
14 pesticide sales are less than twenty-five thousand dollars.

15 (2) Fifty dollars, if the annual gross retail pesticide  
16 sales are twenty-five thousand dollars or more but less than  
17 fifty thousand dollars.

18 (3) Seventy-five dollars, if the annual gross retail  
19 pesticide sales are fifty thousand dollars or more but less  
20 than seventy-five thousand dollars.

21 (4) One hundred dollars, if the annual gross retail  
22 pesticide sales are seventy-five thousand dollars or more but  
23 less than one hundred thousand dollars.

24 The secretary shall provide for a three-month grace period  
25 for licensure and shall impose a late fee of ten dollars upon  
26 the licensure of a dealer applying for licensure during the  
27 month of October, a late fee of fifteen dollars upon the  
28 licensure of a dealer applying for licensure during the month  
29 of November, a late fee of twenty-five dollars upon the  
30 licensure of a dealer applying for licensure during the month  
31 of December, and a late fee of twenty-five dollars upon the  
32 licensure of a dealer applying for licensure for each month  
33 after the month of December.

34 b. A pesticide dealer with one hundred thousand dollars or  
35 more in gross retail pesticide sales shall pay the-greater-of



1 a minimum-annual license fee of twenty-five dollars or an  
2 annual-license-fee based on one-tenth of one percent of the  
3 gross retail pesticide sales of all-pesticides-sold-at-retail  
4 for-use-in-this-state-by-the-pesticide-dealer in the previous  
5 year. The-annual-license-fee-shall-be-paid-to-the-department  
6 of-agriculture-and-land-stewardship, beginning July-1, 1987  
7 and July-1 of each year thereafter. The secretary shall  
8 provide for a ninety-day three-month grace period for  
9 licensure and shall impose a late fee of two percent of gross  
10 retail-sales the license fee upon the licensure of a pesticide  
11 dealer applying for licensure during the period July-2 through  
12 July-31 month of October, a late fee of four percent of gross  
13 retail-sales the license fee upon the licensure of a pesticide  
14 dealer applying for licensure during the month of August  
15 November, and a late fee of five percent of gross-retail-sales  
16 the license fee upon the licensure of a pesticide dealer  
17 applying for licensure during the month of September December,  
18 and a late fee of five percent upon the licensure of a dealer  
19 applying for licensure for each month after the month of  
20 December. A-licensee-shall-pay-a-fee-of-twenty-five-dollars  
21 for-the-period-July-1, 1987, through June-30, 1987.

22 The-initial Up to twenty-five dollars of each annual  
23 license fee shall be retained by the department for  
24 administration of the program, and the remaining moneys  
25 collected shall be deposited in the agriculture management  
26 account of the groundwater protection fund.

27 Sec. 2. Section 206.10, Code 1991, is amended to read as  
28 follows:

29 206.10 LICENSE RENEWALS -- DELINQUENT FEE.

30 If the application for renewal of any a license provided  
31 for in this chapter, other than a pesticide dealer license, is  
32 not filed prior to the first of January in any year, a  
33 delinquent fee of twenty-five percent shall be assessed and  
34 added to the original fee and shall be paid by the applicant  
35 before the renewal license shall-be is issued. A delinquent

1 fee ~~shall~~ does not apply if the applicant furnishes an  
2 affidavit certifying that the applicant has not applied  
3 pesticides after the expiration of the applicant's license.  
4 All licenses issued under this chapter ~~shall~~ expire December  
5 31 each year. However, a license issued to a pesticide dealer  
6 expires as provided in section 206.8.

\* 7 Sec. 3. Section 206.12, subsection 7, paragraph a,  
8 subparagraph (1), Code 1991, is amended to read as follows:  
9 (1) The gross retail sales of the all pesticides sold by  
10 the licensee at retail for use in this state by a licensee  
11 with one hundred thousand dollars or more in gross retail  
12 sales of the pesticides sold for use in this state.

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SENATE FILE 33

AN ACT  
AMENDING THE PESTICIDE ACT OF IOWA, BY PROVIDING REQUIREMENTS  
FOR PESTICIDE DEALERS, AND PROVIDING FOR FEES.

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

Section 1. Section 206.8, subsection 2, Code 1991, is amended to read as follows:

2. A pesticide dealer shall pay by June 30 of each year to the department an annual license fee based on the gross retail sales of all pesticides sold for use in this state by the dealer in the previous year. The license fee shall be set as follows:

a. A pesticide dealer with less than one hundred thousand dollars in gross retail pesticide sales shall have the option to pay a license fee based on one-tenth of one percent of the

gross retail pesticide sales in the previous year or to pay a license fee according to the following:

(1) Twenty-five dollars, if the annual gross retail pesticide sales are less than twenty-five thousand dollars.

(2) Fifty dollars, if the annual gross retail pesticide sales are twenty-five thousand dollars or more but less than fifty thousand dollars.

(3) Seventy-five dollars, if the annual gross retail pesticide sales are fifty thousand dollars or more but less than seventy-five thousand dollars.

(4) One hundred dollars, if the annual gross retail pesticide sales are seventy-five thousand dollars or more but less than one hundred thousand dollars.

The secretary shall provide for a three-month grace period for licensure and shall impose a late fee of ten dollars upon the licensure of a dealer applying for licensure during the month of October, a late fee of fifteen dollars upon the licensure of a dealer applying for licensure during the month of November, a late fee of twenty-five dollars upon the licensure of a dealer applying for licensure during the month of December, and a late fee of twenty-five dollars upon the licensure of a dealer applying for licensure for each month after the month of December.

b. A pesticide dealer with one hundred thousand dollars or more in gross retail pesticide sales 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 pesticide 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 three-month grace period for licensure and shall impose a late fee of two percent of gross retail sales the license fee upon the licensure of a pesticide

dealer applying for licensure during the period July 2 through July 31 month of October, a late fee of four percent of gross retail sales the license fee upon the licensure of a pesticide dealer applying for licensure during the month of August November, and a late fee of five percent of gross retail sales the license fee upon the licensure of a pesticide dealer applying for licensure during the month of September December, and a late fee of five percent upon the licensure of a dealer applying for licensure for each month after the month of December. ~~A licensee shall pay a fee of twenty-five dollars for the period July 1, 1987, through June 30, 1988.~~

~~The initial~~ Up to twenty-five dollars of each annual license fee shall be retained by the department for administration of the program, and the remaining moneys collected shall be deposited in the agriculture management account of the groundwater protection fund.

Sec. 2. Section 206.10, Code 1991, is amended to read as follows:

206.10 LICENSE RENEWALS -- DELINQUENT FEE.

If the application for renewal of any a license provided for in this chapter, other than a pesticide dealer license, is not filed prior to the first of January in any year, a delinquent fee of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license ~~shall be~~ is issued. A delinquent fee ~~shall~~ does not apply if the applicant furnishes an affidavit certifying that the applicant has not applied pesticides after the expiration of the applicant's license. All licenses issued under this chapter ~~shall~~ expire December 31 each year. However, a license issued to a pesticide dealer expires as provided in section 206.8.

Sec. 3. Section 206.12, subsection 7, paragraph a, subparagraph (1), Code 1991, is amended to read as follows:

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

with one hundred thousand dollars or more in gross retail sales of the pesticides sold for use in this state.

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JOE J. WELSH  
President of the Senate

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ROBERT C. ARNOULD  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 33, Seventy-fourth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved May 1, 1991

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TERRY E. BRANSTAD  
Governor