



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 840 (Substitute S-3 as reported)
Sponsor: Senator Wayne Kuipers
Committee: Agriculture, Forestry and Tourism

CONTENT

The bill would amend Part 85 (Fertilizers) of the Natural Resources and Environmental Protection Act to do the following:

- Revise fertilizer labeling and invoice requirements, and provide exemptions when no primary nutrients were claimed.
- Remove a prohibition on the sale of fertilizer containing less than a total of 20% of certain primary nutrients.
- Revise registration requirements for specialty fertilizers and soil conditioners.
- Require manufacturers and distributors of custom blend soil conditioners or fertilizers to license their firm for an annual fee of \$100 or (as currently required) register each grade distributed for a fee of \$25.
- Raise the minimum penalty for nonpayment of inspection fees from \$10 to \$50.
- Establish a three-year record-keeping requirement for registrants.
- Prohibit a person from distributing an adulterated product.
- Adopt sampling and analysis methods established by the Association of American Plant Food Control Officials or the Association of Analytical Communities International.
- Authorize the Michigan Department of Agriculture (MDA) to promulgate rules regarding anhydrous ammonia storage and transfer and application equipment.
- Establish standards for the application of fertilizer on general turf, including limits on the amount of phosphorus that could be applied without a soil test.
- Establish administrative, civil, and criminal penalties for violations of Part 85.
- Establish a "Fertilizer Control Fund", which would receive all fees, administrative or civil fines, and payments for the costs of investigation.

MCL 324.8501 et al.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have a minimal fiscal impact on the Department of Agriculture as its provisions mostly would further delineate existing responsibilities. The proposed annual license fee for custom blenders of fertilizer would affect only approximately 10 businesses and generate approximately \$1,000 in new revenue, according to the MDA. The proposed civil fine for violations would generate an indeterminate amount of revenue for the Fertilizer Control Fund, which would be used for the administration and enforcement of Part 85, as well as the development of training programs on the proper use and storage of fertilizer.

The bill's criminal penalty would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of violating Part 85. Additional penal fine revenue would benefit public libraries.

Date Completed: 6-20-06

Fiscal Analyst: Bruce Baker
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