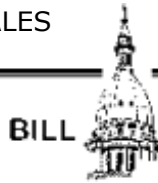




Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4635 (Substitute H-2 as passed by the House)
Sponsor: Representative Goeff Hansen
House Committee: Agriculture
Senate Committee: Agriculture, Forestry and Tourism

Date Completed: 6-7-05

CONTENT

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

- Require retailers to secure ammonium nitrate fertilizer against theft or unauthorized access, and to obtain certain information regarding the sale of such fertilizer.**
- Allow retailers to refuse to sell ammonium nitrate fertilizer under certain circumstances.**
- Prohibit the Michigan Department of Agriculture (MDA) from suspending or revoking the license of a distributor or manufacturer who refused to sell the fertilizer.**

Specifically, a retailer would be required to secure ammonium nitrate fertilizer at all times in order to provide reasonable protection against vandalism, theft, or unauthorized access. Secured storage would include fencing, lighting, and locks.

A retailer would be required to obtain the following information regarding any sale of ammonium nitrate fertilizer:

- Date of sale.
- Quantity purchased.
- Number of the purchaser's valid State or Federal operator's license, or other picture identification card number approved for purchaser identification by the MDA.
- The purchaser's name, current address, and telephone number.

A retailer would have to maintain these records for at least two years on a form or using a format recommended by the MDA. The records would have to be made available for inspection and audit upon request of the Department Director.

Records generated by means of the tracking system established under the bill would be exempt from disclosure under the Freedom of Information Act.

Any retailer of ammonium nitrate fertilizer could refuse to sell to any person attempting to purchase it out of season, in unusual patterns or circumstances, or in unusual amounts as determined by the retailer.

The bill would prohibit the MDA from suspending or revoking the license of a distributor or manufacturer who refused to sell ammonium nitrate fertilizer to a person who failed to comply with the request for information (described above) or to a person who purchased the fertilizer out of season, in unusual amounts, or under a pattern or circumstances considered unusual. (Under Part 85, a person may not manufacture or distribute fertilizer, except specialty fertilizer and soil conditioners, without a license from the MDA.)

MCL 324.8515

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Craig Thiel

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.