

HOUSE BILL No. 4635

April 19, 2005, Introduced by Rep. Hansen and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 8515 and 8516 (MCL 324.8515 and 324.8516), as
added by 1995 PA 60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8515. (1) The director of the department may revoke the
2 license of a manufacturer or distributor or the registration of a
3 fertilizer product or soil conditioner, or may refuse to license a
4 manufacturer or distributor or to register a fertilizer product or
5 soil conditioner, upon satisfactory evidence that the licensee has
6 engaged in fraudulent or deceptive practices or has evaded or
7 attempted to evade this part or the rules promulgated under this

1 part.

2 (2) A license or registration shall not be revoked or refused
3 until the licensee or applicant has been given the opportunity by
4 the director of the department to appear for a hearing.

5 (3) THE DEPARTMENT SHALL NOT SUSPEND OR REVOKE THE LICENSE OF
6 A DISTRIBUTOR OR MANUFACTURER WHO REFUSES TO SELL FERTILIZER
7 CONTAINING AMMONIUM NITRATE TO A PERSON WHO FAILS TO COMPLY WITH
8 THE REQUEST FOR INFORMATION REQUIRED IN RULES PROMULGATED UNDER
9 SECTION 8516 OR WHO REFUSES TO SELL FERTILIZER CONTAINING AMMONIUM
10 NITRATE TO A PERSON WHO PURCHASES THAT FERTILIZER OUT OF SEASON, IN
11 UNUSUAL AMOUNTS, OR UNDER A PATTERN OR CIRCUMSTANCES CONSIDERED
12 UNUSUAL, AS DESCRIBED IN RULES PROMULGATED UNDER SECTION 8516.

13 Sec. 8516. (1) The director of the department shall enforce
14 this part and may promulgate rules.

15 (2) THE DEPARTMENT SHALL PROMULGATE RULES FOR ALL OF THE
16 FOLLOWING REGARDING FERTILIZER CONTAINING AMMONIUM NITRATE:

17 (A) ITS SAFE AND SECURE STORAGE. THE RULES SHALL ADDRESS
18 ISSUES RELATED TO VANDALISM, THEFT, AND UNAUTHORIZED ACCESS.

19 (B) A SYSTEM OF TRACKING THE SALE AND DISTRIBUTION. THE SYSTEM
20 SHALL INCLUDE THE GENERATION OF PAPER OR ELECTRONIC RECORDS THAT
21 TRACK THE DATE OF SALE; THE QUANTITY PURCHASED; A REQUIREMENT THAT
22 ONLY CERTAIN TYPES OF IDENTIFICATION BE PRODUCED FOR AN ALLOWABLE
23 SALE; THE RECORDING OF AT LEAST THE PURCHASER'S NAME, STREET
24 ADDRESS, AND TELEPHONE NUMBER; AND THE PRESERVATION OF THE RECORDS
25 FOR AT LEAST 2 YEARS.

26 (C) STANDARDS FOR DETERMINING WHETHER ANY SALES ARE OUT OF
27 SEASON, UNDER UNUSUAL PATTERNS OR CIRCUMSTANCES, AND IN UNUSUAL

1 AMOUNTS.