

SENATE BILL 116

IN THE SENATE

January 16, 1979

Introduced and referred to  
Committee on State Adminis-  
tration.

January 27, 1979

Committee recommend bill, do  
not pass, as amended.

1 *Sen. Jergeson* BILL NO. *116*  
 2 INTRODUCED BY *Jergeson*  
 3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ABOLISH THE  
 6 FERTILIZER ADVISORY COMMISSION; AMENDING SECTIONS 80-10-103,  
 7 80-10-104, AND 80-10-207, MCA; AND REPEALING SECTIONS  
 8 80-10-106 AND 2-15-1516, MCA."  
 9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 11 Section 1. Section 80-10-103, MCA, is amended to read:  
 12 "80-10-103. Assessment to fund educational and  
 13 experimental programs -- collection. Moneys to fund  
 14 80-10-104 through ~~80-10-106~~ and ~~80-10-105~~ will be produced  
 15 by an assessment of 35 cents per ton of fertilizer sold  
 16 within Montana. Collections shall be made in accordance  
 17 with procedures in 80-10-207 and shall be collected from the  
 18 licensee or registrant of fertilizer."  
 19 Section 2. Section 80-10-104, MCA, is amended to read:  
 20 "80-10-104. Allocation of assessment. The assessment  
 21 shall be collected by the department and up to 1% shall be  
 22 retained by the department for costs of collection. The  
 23 balance shall be deposited in the earmarked revenue fund  
 24 with 50% for use by the cooperative extension service and  
 25 50% for use by the agricultural experiment station, in

1 ~~programs recommended by the fertilizer advisory committee~~  
 2 ~~provided for in 2-15-1516 and approved by the respective~~  
 3 ~~directors."~~  
 4 Section 3. Section 80-10-207, MCA, is amended to read:  
 5 "80-10-207. Fees. (1) There shall be paid to the  
 6 department fees on all commercial fertilizer distributed in  
 7 this state, except specialty fertilizers sold in packages of  
 8 10 pounds or less, and unmanipulated animal and vegetable  
 9 manures, provided that sales to manufacturers or exchanges  
 10 between them are exempt. The fees are:  
 11 (a) inspection, 20 cents per ton. The department may  
 12 by rule after hearing adjust the inspection fee not to  
 13 exceed a maximum of 25 cents per ton to maintain adequate  
 14 funding for the administration of this part. Any change in  
 15 fee becomes effective on the first day of a reporting  
 16 period. All registrants shall be given notice of any change  
 17 in fees before the effective date.  
 18 (b) assessment, the fee prescribed in 80-10-103. The  
 19 assessment fee shall be used to fund educational and  
 20 experimental programs as provided in 80-10-103 through  
 21 ~~80-10-106~~ and ~~80-10-105~~.  
 22 (2) There shall be paid to the department on all soil  
 23 amendments distributed in this state an inspection fee of 10  
 24 cents per ton subject to the following provisions:  
 25 (a) sales to manufacturers or exchanges between them

1 are exempt; and

2 (b) when less than 50 tons of registered soil  
3 amendment is sold per 6-month period, there shall be paid to  
4 the department a fee of \$5 per soil amendment per 6-month  
5 period in lieu of the 10 cents per ton fee. Inspection fees  
6 shall be used by the department for administration of this  
7 part.

8 (3) (a) Every registrant and licensee who distributes  
9 a soil amendment or commercial fertilizer, except specialty  
10 fertilizer in packages of 10 pounds or less and  
11 unmanipulated manures, to an unlicensed or unregistered  
12 person in this state shall file with the department on  
13 forms furnished or approved by the department a semiannual  
14 statement for the periods ending June 30 and December 31  
15 setting forth the number of net tons of each commercial  
16 fertilizer and/or soil amendment distributed in this state  
17 during the 6-month period. The report is due on or before  
18 the 30th day of the month following the close of each  
19 period. The registrant or licensee shall pay the proper  
20 fees, as set forth in subsection (1) of this section, at  
21 that time.

22 (b) If the tonnage report is not filed and the payment  
23 of fees is not made within 30 days after the end of the  
24 period a collection fee amounting to 10% of the amount due  
25 but not less than \$10 shall be assessed against the

1 registrant or licensee, and the amount of fees due shall  
2 constitute a debt and become the basis of a judgment against  
3 the registrant or licensee.

4 (4) All fees collected for licenses, registration, and  
5 inspection and moneys collected as penalties shall be  
6 deposited in the state treasury to the credit of the  
7 earmarked revenue fund for the purpose of administering this  
8 chapter, including the cost of equipment and facilities and  
9 the cost of inspecting, analyzing, and examining commercial  
10 fertilizer and soil amendments manufactured or distributed  
11 in this state. Reserve funds may be invested by the  
12 department with interest credited to the earmarked revenue  
13 fund."

14 Section 4. Repealer. Sections 80-10-105 and 2-15-1516,  
15 MCA, are repealed.

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