

HOUSE BILL NO. 136

INTRODUCED BY DEMARS, STEPPLER, SCHYE, WESTLAKE, GRADY,
STRIZICH, WHALEN, WILLIAMS

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

IN THE HOUSE

JANUARY 12, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
JANUARY 13, 1989	FIRST READING.
JANUARY 20, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 21, 1989	PRINTING REPORT.
JANUARY 23, 1989	SECOND READING, DO PASS.
JANUARY 24, 1989	ENGROSSING REPORT.
JANUARY 25, 1989	THIRD READING, PASSED. AYES, 97; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 26, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
FEBRUARY 9, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 11, 1989	SECOND READING, CONCURRED IN.
FEBRUARY 14, 1989	THIRD READING, CONCURRED IN. AYES, 46; NOES, 1.
	RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 15, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 136
2 INTRODUCED BY Sen. Demers Stapp Lehner
3 Ward BY REQUEST OF THE W. H. H. H. DEPARTMENT OF AGRICULTURE
4 Grady W. H. H. H.
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE CERTAIN
6 PROVISIONS RELATING TO COMMERCIAL FERTILIZERS; TO MAKE
7 CERTAIN FEES NONREFUNDABLE; TO PROVIDE A RENEWAL DATE AND
8 LATE FEES FOR LICENSES; TO REQUIRE UNIFORM REGISTRATION OF
9 ALL SPECIALTY FERTILIZERS; AMENDING SECTIONS 80-10-201,
10 80-10-202, AND 80-10-207, MCA; AND PROVIDING AN EFFECTIVE
11 DATE."
12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 **Section 1.** Section 80-10-201, MCA, is amended to read:
15 "80-10-201. Registration and licenses. (1) Each brand
16 and grade of fertilizer and each soil amendment except
17 unmanipulated animal and vegetable manures shall be
18 registered by or on behalf of the manufacturer before
19 distribution in this state. The application for
20 registration shall be submitted to the department on a form
21 furnished or approved by the department and shall be
22 accompanied by a nonrefundable fee of \$10 per grade for each
23 fertilizer and for each soil amendment with exception of
24 specialty fertilizers ~~in packages of 10 pounds or less~~ which
25 shall be registered at a nonrefundable fee of \$25 each. Upon

1 approval, the department shall furnish a copy of the
2 registration to the applicant. All registrations expire on
3 December 31 of each year.
4 (2) (a) The application for registration shall
5 include:
6 (i) the brand and grade;
7 (ii) the guaranteed analysis;
8 (iii) the source of each plant food element guaranteed;
9 (iv) the name and address of the registrant;
10 (v) a copy or facsimile of each label and of
11 promotional material when requested by the department.
12 (b) Further, the department shall require the
13 applicant to furnish replicated data, performed by a
14 reputable investigator whose work is recognized as
15 acceptable by the director of the agricultural experiment
16 station or his designee, verifying any claims for
17 effectiveness or agricultural value of any fertilizer or
18 soil amendment product which is not generally recognized as
19 having the values claimed at the use rates recommended.
20 (3) A distributor may not be required to register any
21 brand or grade of commercial fertilizer which is already
22 registered under this section by another person.
23 (4) No manufacturer may reregister his product until
24 full payment of the assessment fees provided for in
25 80-10-103 and 80-10-207 has been received by the

department."

Section 2. Section 80-10-202, MCA, is amended to read:

"80-10-202. License required. No person shall distribute in this state any type of fertilizer or soil amendment, except unmanipulated animal or vegetable manures, or specialty fertilizer, until a license to distribute has been obtained from the department for each facility distributing into this state and for each handling facility in this state upon payment of. All new applicants or those failing to renew their licenses by January 1 of each year shall pay a nonrefundable \$50 \$75 fee for each license. The department may exempt, by rule, manufacturers. All licenses expire on December 31 of each year and are subject to the following:

(1) The application for license shall be on forms provided by the department.

~~(2) The applicant shall provide a sample copy of labeling to be used. The form of labeling shall meet department standards established by rule, and all labeling shall be in proper form.~~

~~(3)~~ (2) The licensee is not required to register a grade of fertilizer registered by the manufacturer or blended to grade from registered products by the licensee.

(3) License renewals received by the department prior to January 1 of each year must be accompanied by a fee of

\$50 for each license."

Section 3. Section 80-10-207, MCA, is amended to read:

"80-10-207. Fees. (1) (a) A manufacturer registering under 80-10-201(1) shall pay to the department fees on all commercial fertilizer distributed in this state, except specialty fertilizers ~~sold in packages of 10 pounds or less,~~ and unmanipulated animal and vegetable manures, provided that sales to manufacturers or exchanges between them are exempt. The fees are:

(i) inspection of fertilizers other than anhydrous ammonia, 20 cents per ton. The department may by rule after hearing adjust the inspection fee not to exceed a maximum of 25 cents per ton to maintain adequate funding for the administration of this part. Any change in fee becomes effective on the first day of a reporting period. All manufacturers shall be given notice of any change in fees before the effective date.

(ii) inspection of anhydrous ammonia, 20 cents per ton. The department may by rule after hearing adjust the anhydrous ammonia inspection fee not to exceed a maximum of 65 cents per ton to maintain adequate funding for the administration and enforcement of part 5 of this chapter. Any change in fee becomes effective on the first day of a reporting period. All registrants and manufacturers of anhydrous ammonia shall be given notice of any change in

fees before the effective date of the fee adjustment.

(iii) assessment, the fee prescribed in 80-10-103. The assessment fee shall be used to fund educational and experimental programs as provided in 80-10-103 through 80-10-106.

(b) If fertilizer or soil amendment material is added to fertilizer for which a fee has been paid under subsection (1)(a), a fee must be paid under that subsection, but only on the added fertilizer or soil amendment.

(2) There shall be paid to the department on all soil amendments distributed in this state an inspection fee of 10 cents per ton subject to the following provisions:

(a) sales to manufacturers or exchanges between them are exempt; and

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

(3) (a) (i) Every licensee who distributes a soil amendment or commercial fertilizer, except specialty fertilizer ~~in--packages--of---10---pounds---or---less~~ and unmanipulated manures, to an unlicensed or unregistered person in this state shall file with the department on

forms furnished or approved by the department a semiannual statement for the periods ending June 30 and December 31 setting forth the number of net tons of each commercial fertilizer and/or soil amendment distributed in this state during the 6-month period. The report is due on or before the 30th day of the month following the close of each period.

(ii) Every manufacturer who registers a soil amendment or commercial fertilizer in this state, or a person who registers on the manufacturer's behalf, except specialty fertilizer ~~in--packages--of---10---pounds---or---less~~ and unmanipulated manures, shall file with the department on forms furnished or approved by the department a monthly statement setting forth the number of net tons of each registered commercial fertilizer and soil amendment distributed in this state during the month and to whom it was distributed. The report is due on or before the 30th day of the following month. The manufacturer or person registering on behalf of the manufacturer shall pay the fees set forth in subsection (1) at that time.

(b) If the tonnage report required by subsection (3)(a)(ii) is not filed and the payment of fees is not made within 30 days after the end of the period a collection fee amounting to 10% of the amount due but not less than \$10 shall be assessed against the manufacturer, and the amount

1 of fees due shall constitute a debt and become the basis of
2 a judgment against the manufacturer.

3 (4) Except as provided in subsection (5), all fees
4 collected for licenses, registration, and inspection and
5 moneys collected as penalties shall be deposited in the
6 state treasury to the credit of the state special revenue
7 fund for the purpose of administering this chapter,
8 including the cost of equipment and facilities and the cost
9 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 state special
13 revenue fund.

14 (5) All fees collected under subsection (1)(a)(ii)
15 shall be deposited in the state treasury to the credit of
16 the state special revenue fund, anhydrous ammonia account,
17 for the administration and enforcement of part 5 of this
18 chapter and the rules adopted thereunder."

19 NEW SECTION. **Section 4.** Extension of authority. Any
20 existing authority to make rules on the subject of the
21 provisions of [this act] is extended to the provisions of
22 [this act].

23 NEW SECTION. **Section 5.** Severability. If a part of
24 [this act] is invalid, all valid parts that are severable
25 from the invalid part remain in effect. If a part of [this

1 act] is invalid in one or more of its applications, the part
2 remains in effect in all valid applications that are
3 severable from the invalid applications.

4 NEW SECTION. **Section 6.** Effective date. [This act] is
5 effective July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB136, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB136 revises and clarifies provisions relating to commercial fertilizers, including making the application fee for registration nonrefundable and increasing the fee for new applicants and for those who fail to renew for three months from \$25 to \$50.

ASSUMPTIONS:

1. The number of fertilizer products currently registered will remain constant.
2. Most companies will cease submitting late applications due to the penalty for late renewals.
3. The number of new commercial fertilizer applicants will be negligible.

FISCAL IMPACT: None

Ray Shackleford

RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

1/18/89

DATE

Gene Demars

GENE DEMARS, PRIMARY SPONSOR

1-18-89

DATE

Fiscal Note for HB136, as introduced

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

HOUSE BILL NO. 136

INTRODUCED BY DEMARS, STEPPLER, SCHYE, WESTLAKE, GRADY,

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE CERTAIN PROVISIONS RELATING TO COMMERCIAL FERTILIZERS; TO MAKE CERTAIN FEES NONREFUNDABLE; TO PROVIDE A RENEWAL DATE AND LATE FEES FOR LICENSES; TO REQUIRE UNIFORM REGISTRATION OF ALL SPECIALTY FERTILIZERS; AND AMENDING SECTIONS 80-10-201, 80-10-202, AND 80-10-207, MCA, ~~AND PROVIDING AN EFFECTIVE DATE.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 80-10-201, MCA, is amended to read:

"80-10-201. Registration and licenses. (1) Each brand and grade of fertilizer and each soil amendment except unmanipulated animal and vegetable manures shall be registered by or on behalf of the manufacturer before distribution in this state. The application for registration shall be submitted to the department on a form furnished or approved by the department and shall be accompanied by a nonrefundable fee of \$10 per grade for each fertilizer and for each soil amendment with exception of specialty fertilizers ~~in packages of 10 pounds or less~~ which

shall be registered at a nonrefundable fee of \$25 each. Upon approval, the department shall furnish a copy of the registration to the applicant. All registrations expire on December 31 of each year.

(2) (a) The application for registration shall include:

(i) the brand and grade;

(ii) the guaranteed analysis;

(iii) the source of each plant food element guaranteed;

(iv) the name and address of the registrant;

(v) a copy or facsimile of each label and of promotional material when requested by the department.

(b) Further, the department shall require the applicant to furnish replicated data, performed by a reputable investigator whose work is recognized as acceptable by the director of the agricultural experiment station or his designee, verifying any claims for effectiveness or agricultural value of any fertilizer or soil amendment product which is not generally recognized as having the values claimed at the use rates recommended.

(3) A distributor may not be required to register any brand or grade of commercial fertilizer which is already registered under this section by another person.

(4) No manufacturer may reregister his product until full payment of the assessment fees provided for in

80-10-103 and 80-10-207 has been received by the department."

Section 2. Section 80-10-202, MCA, is amended to read:

"80-10-202. License required. No person shall distribute in this state any type of fertilizer or soil amendment, except unmanipulated animal or vegetable manures, or specialty fertilizer, until a license to distribute has been obtained from the department for each facility distributing into this state and for each handling facility in this state upon payment of. All new applicants or those failing to renew their licenses by January 1 of each year shall pay a nonrefundable \$50 \$75 fee for each license. The department may exempt, by rule, manufacturers. All licenses expire on December 31 of each year and are subject to the following:

(1) The application for license shall be on forms provided by the department.

~~(2) The applicant shall provide a sample copy of labeling to be used. The form of labeling shall meet department standards, established by rule, and all labeling shall be in proper form.~~

~~(3)(2)~~ The licensee is not required to register a grade of fertilizer registered by the manufacturer or blended to grade from registered products by the licensee.

(3) License renewals received by the department prior

to January 1 of each year must be accompanied by a fee of \$50 for each license."

Section 3. Section 80-10-207, MCA, is amended to read:

"80-10-207. Fees. (1) (a) A manufacturer registering under 80-10-201(1) shall pay to the department fees on all commercial fertilizer distributed in this state, except specialty fertilizers ~~sold in packages of 10 pounds or less~~, and unmanipulated animal and vegetable manures, provided that sales to manufacturers or exchanges between them are exempt. The fees are:

(i) inspection of fertilizers other than anhydrous ammonia, 20 cents per ton. The department may by rule after hearing adjust the inspection fee not to exceed a maximum of 25 cents per ton to maintain adequate funding for the administration of this part. Any change in fee becomes effective on the first day of a reporting period. All manufacturers shall be given notice of any change in fees before the effective date.

(ii) inspection of anhydrous ammonia, 20 cents per ton. The department may by rule after hearing adjust the anhydrous ammonia inspection fee not to exceed a maximum of 65 cents per ton to maintain adequate funding for the administration and enforcement of part 5 of this chapter. Any change in fee becomes effective on the first day of a reporting period. All registrants and manufacturers of

1 anhydrous ammonia shall be given notice of any change in
2 fees before the effective date of the fee adjustment.

3 (iii) assessment, the fee prescribed in 80-10-103. The
4 assessment fee shall be used to fund educational and
5 experimental programs as provided in 80-10-103 through
6 80-10-106.

7 (b) If fertilizer or soil amendment material is added
8 to fertilizer for which a fee has been paid under subsection
9 (1)(a), a fee must be paid under that subsection, but only
10 on the added fertilizer or soil amendment.

11 (2) There shall be paid to the department on all soil
12 amendments distributed in this state an inspection fee of 10
13 cents per ton subject to the following provisions:

14 (a) sales to manufacturers or exchanges between them
15 are exempt; and

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

22 (3) (a) (i) Every licensee who distributes a soil
23 amendment or commercial fertilizer, except specialty
24 fertilizer ~~in--packages--of---10---pounds---or---less~~ and
25 unmanipulated manures, to an unlicensed or unregistered

1 person in this state shall file with the department on
2 forms furnished or approved by the department a semiannual
3 statement for the periods ending June 30 and December 31
4 setting forth the number of net tons of each commercial
5 fertilizer and/or soil amendment distributed in this state
6 during the 6-month period. The report is due on or before
7 the 30th day of the month following the close of each
8 period.

9 (ii) Every manufacturer who registers a soil amendment
10 or commercial fertilizer in this state, or a person who
11 registers on the manufacturer's behalf, except specialty
12 fertilizer ~~in--packages--of---10---pounds---or---less~~ and
13 unmanipulated manures, shall file with the department on
14 forms furnished or approved by the department a monthly
15 statement setting forth the number of net tons of each
16 registered commercial fertilizer and soil amendment
17 distributed in this state during the month and to whom it
18 was distributed. The report is due on or before the 30th day
19 of the following month. The manufacturer or person
20 registering on behalf of the manufacturer shall pay the fees
21 set forth in subsection (1) at that time.

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

1 shall be assessed against the manufacturer, and the amount
2 of fees due shall constitute a debt and become the basis of
3 a judgment against the manufacturer.

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

15 (5) All fees collected under subsection (1)(a)(ii)
16 shall be deposited in the state treasury to the credit of
17 the state special revenue fund, anhydrous ammonia account,
18 for the administration and enforcement of part 5 of this
19 chapter and the rules adopted thereunder."

20 NEW SECTION. **Section 4. Extension of authority.** Any
21 existing authority to make rules on the subject of the
22 provisions of [this act] is extended to the provisions of
23 [this act].

24 NEW SECTION. **Section 5. Severability.** If a part of
25 [this act] is invalid, all valid parts that are severable

1 from the invalid part remain in effect. If a part of [this
2 act] is invalid in one or more of its applications, the part
3 remains in effect in all valid applications that are
4 severable from the invalid applications.

5 ~~NEW SECTION. --Section 6. --Effective date. --[This act]~~
6 ~~is effective July 17, 1989.~~

-End-

HOUSE BILL NO. 136

INTRODUCED BY DEMARS, STEPPLER, SCHYE, WESTLAKE, GRADY,

STRIZICH, WHALEN, WILLIAMS

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 80-10-201, MCA, is amended to read:

"80-10-201. Registration and licenses. (1) Each brand and grade of fertilizer and each soil amendment except unmanipulated animal and vegetable manures shall be registered by or on behalf of the manufacturer before distribution in this state. The application for registration shall be submitted to the department on a form furnished or approved by the department and shall be accompanied by a nonrefundable fee of \$10 per grade for each fertilizer and for each soil amendment with exception of specialty fertilizers ~~in packages of 10 pounds or less~~ which

shall be registered at a nonrefundable fee of \$25 each. Upon approval, the department shall furnish a copy of the registration to the applicant. All registrations expire on December 31 of each year.

(2) (a) The application for registration shall include:

(i) the brand and grade;

(ii) the guaranteed analysis;

(iii) the source of each plant food element guaranteed;

(iv) the name and address of the registrant;

(v) a copy or facsimile of each label and of promotional material when requested by the department.

(b) Further, the department shall require the applicant to furnish replicated data, performed by a reputable investigator whose work is recognized as acceptable by the director of the agricultural experiment station or his designee, verifying any claims for effectiveness or agricultural value of any fertilizer or soil amendment product which is not generally recognized as having the values claimed at the use rates recommended.

(3) A distributor may not be required to register any brand or grade of commercial fertilizer which is already registered under this section by another person.

(4) No manufacturer may reregister his product until full payment of the assessment fees provided for in

80-10-103 and 80-10-207 has been received by the department."

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(1) The application for license shall be on forms provided by the department.

~~{2}--The--applicant--shall--provide--a--sample--copy--of--labeling--to--be--used---The--form--of--labeling--shall--meet--department--standards--established--by--rule--and--all--labeling--shall--be--in--proper--form--~~

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Section 3. Section 80-10-207, MCA, is amended to read:

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(i) inspection of fertilizers other than anhydrous ammonia, 20 cents per ton. The department may by rule after hearing adjust the inspection fee not to exceed a maximum of 25 cents per ton to maintain adequate funding for the administration of this part. Any change in fee becomes effective on the first day of a reporting period. All manufacturers shall be given notice of any change in fees before the effective date.

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1 anhydrous ammonia shall be given notice of any change in
2 fees before the effective date of the fee adjustment.

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4 assessment fee shall be used to fund educational and
5 experimental programs as provided in 80-10-103 through
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7 (b) If fertilizer or soil amendment material is added
8 to fertilizer for which a fee has been paid under subsection
9 (1)(a), a fee must be paid under that subsection, but only
10 on the added fertilizer or soil amendment.

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12 amendments distributed in this state an inspection fee of 10
13 cents per ton subject to the following provisions:

14 (a) sales to manufacturers or exchanges between them
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17 amendment is sold per 6-month period, there shall be paid to
18 the department a fee of \$5 per soil amendment per 6-month
19 period in lieu of the 10 cents per ton fee. Inspection fees
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6 ~~is effective July 17, 1989.~~

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INTRODUCED BY DEMARS, STEPLER, SCHYE, WESTLAKE, GRADY,

STRIZICH, WHALEN, WILLIAMS

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(iv) the name and address of the registrant;

(v) a copy or facsimile of each label and of promotional material when requested by the department.

(b) Further, the department shall require the applicant to furnish replicated data, performed by a reputable investigator whose work is recognized as acceptable by the director of the agricultural experiment station or his designee, verifying any claims for effectiveness or agricultural value of any fertilizer or soil amendment product which is not generally recognized as having the values claimed at the use rates recommended.

(3) A distributor may not be required to register any brand or grade of commercial fertilizer which is already registered under this section by another person.

(4) No manufacturer may reregister his product until full payment of the assessment fees provided for in

1 80-10-103 and 80-10-207 has been received by the
2 department."

3 **Section 2.** Section 80-10-202, MCA, is amended to read:
4 "80-10-202. License required. No person shall
5 distribute in this state any type of fertilizer or soil
6 amendment, except unmanipulated animal or vegetable manures,
7 or specialty fertilizer, until a license to distribute has
8 been obtained from the department for each facility
9 distributing into this state and for each handling facility
10 in this state upon payment of. All new applicants or those
11 failing to renew their licenses by January 1 of each year
12 shall pay a nonrefundable \$50 \$75 fee for each license. The
13 department may exempt, by rule, manufacturers. All licenses
14 expire on December 31 of each year and are subject to the
15 following:

16 (1) The application for license shall be on forms
17 provided by the department.

18 ~~{2}--The applicant shall provide a sample copy of~~
19 ~~labeling to be used;--The form of labeling shall meet~~
20 ~~department standards, established by rule, and all labeling~~
21 ~~shall be in proper form.~~

22 ~~{3}{2}~~ The licensee is not required to register a
23 grade of fertilizer registered by the manufacturer or
24 blended to grade from registered products by the licensee.

25 {3} License renewals received by the department prior

1 to January 1 of each year must be accompanied by a fee of
2 \$50 for each license."

3 **Section 3.** Section 80-10-207, MCA, is amended to read:

4 "80-10-207. Fees. (1) (a) A manufacturer registering
5 under 80-10-201(1) shall pay to the department fees on all
6 commercial fertilizer distributed in this state, except
7 specialty fertilizers ~~sold in packages of 10 pounds or less,~~
8 and unmanipulated animal and vegetable manures, provided
9 that sales to manufacturers or exchanges between them are
10 exempt. The fees are:

11 (i) inspection of fertilizers other than anhydrous
12 ammonia, 20 cents per ton. The department may by rule after
13 hearing adjust the inspection fee not to exceed a maximum of
14 25 cents per ton to maintain adequate funding for the
15 administration of this part. Any change in fee becomes
16 effective on the first day of a reporting period. All
17 manufacturers shall be given notice of any change in fees
18 before the effective date.

19 (ii) inspection of anhydrous ammonia, 20 cents per ton.
20 The department may by rule after hearing adjust the
21 anhydrous ammonia inspection fee not to exceed a maximum of
22 65 cents per ton to maintain adequate funding for the
23 administration and enforcement of part 5 of this chapter.
24 Any change in fee becomes effective on the first day of a
25 reporting period. All registrants and manufacturers of

1 anhydrous ammonia shall be given notice of any change in
2 fees before the effective date of the fee adjustment.

3 (iii) assessment, the fee prescribed in 80-10-103. The
4 assessment fee shall be used to fund educational and
5 experimental programs as provided in 80-10-103 through
6 80-10-106.

7 (b) If fertilizer or soil amendment material is added
8 to fertilizer for which a fee has been paid under subsection
9 (1)(a), a fee must be paid under that subsection, but only
10 on the added fertilizer or soil amendment.

11 (2) There shall be paid to the department on all soil
12 amendments distributed in this state an inspection fee of 10
13 cents per ton subject to the following provisions:

14 (a) sales to manufacturers or exchanges between them
15 are exempt; and

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

22 (3) (a) (i) Every licensee who distributes a soil
23 amendment or commercial fertilizer, except specialty
24 fertilizer in--packages--of---10---pounds---or---less and
25 unmanipulated manures, to an unlicensed or unregistered

1 person in this state shall file with the department on
2 forms furnished or approved by the department a semiannual
3 statement for the periods ending June 30 and December 31
4 setting forth the number of net tons of each commercial
5 fertilizer and/or soil amendment distributed in this state
6 during the 6-month period. The report is due on or before
7 the 30th day of the month following the close of each
8 period.

9 (ii) Every manufacturer who registers a soil amendment
10 or commercial fertilizer in this state, or a person who
11 registers on the manufacturer's behalf, except specialty
12 fertilizer in--packages--of---10---pounds---or---less and
13 unmanipulated manures, shall file with the department on
14 forms furnished or approved by the department a monthly
15 statement setting forth the number of net tons of each
16 registered commercial fertilizer and soil amendment
17 distributed in this state during the month and to whom it
18 was distributed. The report is due on or before the 30th day
19 of the following month. The manufacturer or person
20 registering on behalf of the manufacturer shall pay the fees
21 set forth in subsection (1) at that time.

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

1 shall be assessed against the manufacturer, and the amount
2 of fees due shall constitute a debt and become the basis of
3 a judgment against the manufacturer.

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

15 (5) All fees collected under subsection (1)(a)(ii)
16 shall be deposited in the state treasury to the credit of
17 the state special revenue fund, anhydrous ammonia account,
18 for the administration and enforcement of part 5 of this
19 chapter and the rules adopted thereunder."

20 NEW SECTION. Section 4. Extension of authority. Any
21 existing authority to make rules on the subject of the
22 provisions of [this act] is extended to the provisions of
23 [this act].

24 NEW SECTION. Section 5. Severability. If a part of
25 [this act] is invalid, all valid parts that are severable

1 from the invalid part remain in effect. If a part of [this
2 act] is invalid in one or more of its applications, the part
3 remains in effect in all valid applications that are
4 severable from the invalid applications.

5 ~~NEW SECTION. Section 6. Effective date. [This act]~~
6 ~~is effective July 1, 1989.~~

-End-