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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 510

February 5, 2009

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The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs

1.1 A bill for an act
1.2 relating to agriculture; changing certain provisions of the pesticide control
1.3 law and the fertilizer, soil amendment, and plant amendment law; amending
1.4 Minnesota Statutes 2008, sections 18B.065, subdivisions 2, 2a; 18C.415,
1.5 subdivision 3; 18C.421; 18C.425, subdivisions 4, 6.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2008, section 18B.065, subdivision 2, is amended to read:

1.8 Subd. 2. **Implementation.** (a) The commissioner may obtain a United States
1.9 Environmental Protection Agency hazardous waste identification number to manage the
1.10 waste pesticides collected.

1.11 (b) The commissioner may ~~not~~ limit the type and quantity of waste pesticides
1.12 accepted for collection and may ~~not~~ assess pesticide end users for portions of the costs
1.13 incurred.

1.14 Sec. 2. Minnesota Statutes 2008, section 18B.065, subdivision 2a, is amended to read:

1.15 Subd. 2a. **Disposal site requirement.** (a) For agricultural waste pesticides, the
1.16 commissioner must designate a place in each county of the state that is available at least
1.17 every year for persons to dispose of unused portions of agricultural pesticides. The
1.18 commissioner shall consult with the person responsible for solid waste management
1.19 and disposal in each county to determine an appropriate location and to advertise each
1.20 collection event.

1.21 (b) For residential waste pesticides, the commissioner must provide periodic
1.22 disposal opportunities each year in each county. As provided under subdivision 7, the
1.23 commissioner may enter into agreements with county or regional solid waste management
1.24 entities to provide these collections and shall provide these entities with funding for

2.1 reasonable costs incurred including, but not limited to, related supplies, transportation,
2.2 advertising, and disposal costs as well as reasonable overhead costs.

2.3 (c) A person who collects waste pesticide under paragraph (a) or (b) shall, on a
2.4 form provided by the commissioner, record information on each waste pesticide product
2.5 collected including, but not limited to:

2.6 (1) the product name, active ingredient or ingredients, quantity, and the United
2.7 States Environmental Protection Agency registration number, on a form provided by the
2.8 commissioner; or

2.9 (2) the product name, active ingredient or ingredients, and the quantity.

2.10 The person must submit this information to the commissioner at least annually.

2.11 Sec. 3. Minnesota Statutes 2008, section 18C.415, subdivision 3, is amended to read:

2.12 Subd. 3. **Effective period.** ~~Other~~ Licenses are for the period from January 1 to the
2.13 following December 31 and must be renewed annually by the licensee before January 1. A
2.14 license is not transferable from one person to another, from the ownership to whom issued
2.15 to another ownership, or from one location to another location.

2.16 Sec. 4. Minnesota Statutes 2008, section 18C.421, is amended to read:

2.17 **18C.421 DISTRIBUTOR'S TONNAGE REPORT.**

2.18 Subdivision 1. ~~Semiannual statement~~ **Annual tonnage report.** (a) Each licensed
2.19 ~~distributor of fertilizer and each registrant of a specialty fertilizer, soil amendment, or plant~~
2.20 ~~amendment must file a semiannual statement for the periods ending December 31 and June~~
2.21 ~~30 with the commissioner on forms furnished by the commissioner stating the number of~~
2.22 ~~net tons and grade of each raw fertilizer material distributed or the number of net tons of~~
2.23 ~~each brand or grade of fertilizer, soil amendment, or plant amendment~~ registrant under
2.24 section 18C.411 and licensee under section 18C.415 shall file an annual tonnage report for
2.25 the previous year ending June 30 with the commissioner, on forms provided or approved
2.26 by the commissioner, stating the number of net tons of each brand or grade of fertilizer,
2.27 soil amendment, or plant amendment distributed in this state or the number of net tons and
2.28 grade of each raw fertilizer material distributed in this state during the reporting period.

2.29 (b) ~~A tonnage reports are report is not required to be filed with~~ submitted, and an
2.30 inspection fee under section 18C.425, subdivision 6, is not required to be paid to the
2.31 commissioner from licensees by a licensee who distributed distributes fertilizer solely by
2.32 custom application.

3.1 (c) ~~A report from a licensee who sells to an ultimate consumer must be accompanied~~
 3.2 ~~by records or invoice copies indicating the name of the distributor who paid the inspection~~
 3.3 ~~fee, the net tons received, and the grade or brand name of the products received.~~

3.4 ~~(d) The annual tonnage report is due must be submitted to the commissioner on or~~
 3.5 ~~before the last day of the month following the close of each reporting period July 31 of~~
 3.6 ~~each calendar year.~~

3.7 ~~(e) (d) The inspection fee at the rate stated in section 18C.425, subdivision 6, must~~
 3.8 ~~accompany the statement.~~

3.9 Subd. 2. **Additional reports.** The commissioner may by rule require additional
 3.10 reports for the purpose of gathering statistical data relating to fertilizer, soil amendments,
 3.11 and plant amendments distribution in the state.

3.12 Subd. 3. **Late annual report and inspection fee penalty.** (a) ~~If a distributor does~~
 3.13 ~~not file the semiannual statement registrant or licensee fails to submit an annual tonnage~~
 3.14 ~~report or pay the inspection fees fee under section 18C.425, subdivision 6, by 31 days~~
 3.15 ~~after the end of the reporting period July 31, the commissioner shall assess the registrant~~
 3.16 ~~or licensee a penalty of the greater of \$25 \$50 or ten percent of the amount due against~~
 3.17 ~~the licensee or registrant.~~

3.18 (b) The fees due, plus the penalty, may be recovered in a civil action against the
 3.19 licensee or registrant.

3.20 (c) The assessment of the penalty does not prevent the commissioner from taking
 3.21 other actions as provided in this chapter and sections 18D.301 to 18D.33.

3.22 ~~Subd. 4. **Responsibility for inspection fees.** If more than one person is involved~~
 3.23 ~~in the distribution of a fertilizer, soil amendment, or plant amendment, the distributor~~
 3.24 ~~who imports, manufactures, or produces the fertilizer or who has the specialty fertilizer,~~
 3.25 ~~soil amendment, or plant amendment registered is responsible for the inspection fee on~~
 3.26 ~~products produced or brought into this state. The distributor must separately list the~~
 3.27 ~~inspection fee on the invoice to the licensee. The last licensee must retain the invoices~~
 3.28 ~~showing proof of inspection fees paid for three years and must pay the inspection fee on~~
 3.29 ~~products brought into this state before July 1, 1989, unless the reporting and paying of~~
 3.30 ~~fees have been made by a prior distributor of the fertilizer.~~

3.31 Subd. 5. **Verification of statements annual tonnage report.** The commissioner
 3.32 may verify the records on which the ~~statement of~~ annual tonnage report is based.

3.33 Sec. 5. Minnesota Statutes 2008, section 18C.425, subdivision 4, is amended to read:

3.34 Subd. 4. **Fee for late application.** If an application for renewal of a ~~fertilizer~~
 3.35 ~~license or registration of a specialty fertilizer, soil amendment, or plant amendment~~

4.1 under section 18C.411 or a license under section 18C.415 is not filed before January 1
4.2 or July 1 of a year, as required submitted to the commissioner after December 31, an
4.3 additional application late fee of one-half of the amount due must be paid in addition to
4.4 the application fee before the renewal license or registration may be issued.

4.5 Sec. 6. Minnesota Statutes 2008, section 18C.425, subdivision 6, is amended to read:

4.6 Subd. 6. **Payment of inspection fees fee.** (a) The person who registers and
4.7 distributes in the state a specialty fertilizer, soil amendment, or plant amendment under
4.8 section 18C.411 shall pay the inspection fee to the commissioner.

4.9 (b) The person licensed under section 18C.415 who distributes a fertilizer to a person
4.10 not required to be so licensed shall pay the inspection fee to the commissioner, except as
4.11 exempted under section 18B.421, subdivision 1, paragraph (b).

4.12 (c) The person responsible for payment of the inspection fees for fertilizers, soil
4.13 amendments, or plant amendments sold and used in this state must pay an inspection fee
4.14 of 30 cents per ton of fertilizer, soil amendment, and plant amendment sold or distributed
4.15 in this state, with a minimum of \$10 on all tonnage reports. Products sold or distributed to
4.16 manufacturers or exchanged between them are exempt from the inspection fee imposed by
4.17 this subdivision if the products are used exclusively for manufacturing purposes.

4.18 (d) A registrant or licensee must retain invoices showing proof of fertilizer, plant
4.19 amendment, or soil amendment distribution amounts and inspection fees paid for a period
4.20 of three years.