

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, the quantity collected and either the product
2.6 name; and its active ingredient or ingredients, quantity, and or the product's United
2.7 States Environmental Protection Agency registration number, on a form provided by the
2.8 ~~commissioner~~. The person must submit this information to the commissioner at least
2.9 annually.

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

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

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

2.16 **18C.421 DISTRIBUTOR'S TONNAGE REPORT.**

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

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

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

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

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

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

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

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

3.17 (c) The assessment of the penalty does not prevent the commissioner from taking
 3.18 other actions as provided in this chapter and sections 18D.301 to 18D.331.

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

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

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

3.31 Subd. 4. **Fee for late application.** If an application for renewal of a ~~fertilizer~~
 3.32 ~~license or registration of a specialty fertilizer, soil amendment, or plant amendment~~
 3.33 under section 18C.411 or a license under section 18C.415 is ~~not filed before January 1~~
 3.34 ~~or July 1 of a year, as required~~ submitted to the commissioner after December 31, an

4.1 additional ~~application~~ late fee of one-half of the amount due must be paid in addition to
4.2 the application fee before the renewal license or registration may be issued.

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

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

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

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

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