

CHAPTER 163

(HB 305)

AN ACT relating to fertilizer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 250.381 is amended to read as follows:

- (1) There shall be paid to the Kentucky Agricultural Experiment Station for all fertilizers distributed in this state to nonregistrants or nonlicensees an inspection fee at the rate of fifty cents (\$0.50) per ton; except sales or exchanges between importers, manufacturers, distributors, licensees, or registrants are exempted.
- (2) Every registrant or licensee who distributes fertilizer in the state shall file on forms approved by the director a ~~monthly, quarterly, or semiannual~~ statement ~~for the reporting period~~ setting forth the number of net tons of each grade of fertilizer distributed in this state, ***the county of the consignee, the form in which the fertilizer was distributed, e.g. bags, bulk, or liquid, and whether the fertilizer was for farm or nonfarm use*** ~~during the period~~. The report shall be due on or before ***the last day of January, April, July, and October of each year***, ~~twenty (20) days following the close of the filing period~~ and upon the filing of the statement ***the registrant or licensee*** shall pay the inspection fee at the rate stated in subsection (1) of this section. If the tonnage report is not filed and the payment of inspection fees is not made within ***fifteen (15)*** ~~thirty (30)~~ days after the due date, a collection fee, amounting to ten percent (10%), with a minimum of fifty dollars (\$50), of the amount due shall be assessed against the registrant or licensee and added to the amount due.
- (3) ~~If~~ ~~When~~ more than one (1) person is involved in the distribution of a fertilizer, the last person who has the fertilizer registered or is licensed and who distributed to a nonregistrant dealer or consumer shall be responsible for reporting the tonnage and paying the inspection fee, unless the report and payment ***are*** ~~is~~ made by a prior distributor of the fertilizer.
- (4) On individual packages of fertilizer containing ten (10) pounds or less, there shall be paid, in lieu of the inspection fee of fifty cents (\$0.50) per ton required by subsection (1) of this section ~~and the tonnage report required by KRS 250.386~~, an annual inspection fee of fifty dollars (\$50) for each grade of each brand sold or distributed. If a person distributes fertilizer in packages of ten (10) pounds or less and in packages over ten (10) pounds, the annual fee shall apply only to that portion distributed in packages of ten (10) pounds or less.
- (5) Fees collected shall be used for the payment of the costs of ***inspecting*** ~~inspection~~, sampling, ***analyzing*** ~~analysis~~, and other expenses necessary for the administration of KRS 250.361 to 250.451.
- (6) ***No information furnished to the director under this section shall be disclosed in a way to divulge the operation of any person.***

Section 2. KRS 250.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of KRS 250.021 to 250.111 ~~or~~ ~~and~~ KRS 250.361 to 250.461 shall be fined not less than one hundred dollars (\$100), nor more than seven hundred fifty dollars (\$750).

- (2) Any person who shall impede, hinder, or otherwise prevent, or attempt to prevent, the director or his duly authorized agent in the performance of his duty in connection with this chapter, shall be guilty of a Class A misdemeanor.
- (3) Any person who violates subsection (6) of KRS 250.601 shall be guilty of a Class B misdemeanor.
- (4) Except as provided by subsection (3) of this section, any person who violates any of the provisions of KRS 250.491 to 250.631 may be fined up to one thousand dollars (\$1,000) for the third and subsequent violations made within a twenty-four (24) month period.

Section 3. The following KRS section is repealed:

250.386 Reporting of consignments to nonregistrant.

Approved March 31, 2003