

Regular Session, 2012

HOUSE BILL NO. 171

BY REPRESENTATIVE ANDERS

AGRICULTURE: Provides relative to the regulations on sale of fertilizers

1 AN ACT

2 To amend and reenact R.S. 3:1413(C)(2)(a) and 1415(A)(6) and to enact R.S. 3:1415(A)(7),
3 relative to fertilizers; to provide for the regulations on the sale of fertilizers; to
4 provide for an inspection fee; to provide for due dates; to provide for a deficiency
5 assessment; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 3:1413(C)(2)(a) and 1415(A)(6) are hereby amended and reenacted
8 and R.S. 3:1415(A)(7) is hereby enacted to read as follows:

9 §1413. Restrictions on sale of fertilizer

10 * * *

11 C.

12 * * *

13 (2)(a) Payment of ~~tonnage~~ the inspection fee shall be on the basis of tonnage
14 reports submitted by the registrant who prior to making sales must file a statement
15 with the commission agreeing to keep such records as are necessary to accurately
16 indicate the tonnage and kind of fertilizer sold and must grant the commissioner the
17 right to examine such records for verification of the statement of tonnage. The
18 tonnage reports shall be made on forms supplied by the commissioner for supplying
19 the necessary tonnage and statistical information. The tonnage reports and
20 inspection fees shall be due and payable on the first day of ~~July~~ April, the first day
21 of ~~October~~ July, the first day of ~~January~~ October, and the first day of ~~March~~ January.

22 The minimum inspection fee due for each quarter shall be ten dollars.

23 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §1415. Deficiency assessment

2 A. Whenever the commissioner determines, based on an analysis performed

3 by the state chemist, that a given lot or shipment of fertilizer is deficient in one or

4 more guaranteed plant foods, a deficiency assessment shall be assessed against the

5 guarantor in accordance with the following provisions:

6 * * *

7 (6) The minimum deficiency assessment under this Part shall be ten dollars.

8 ~~(6)~~ (7) All deficiency assessments assessed under this Section shall be paid

9 by the guarantor to the person who purchased the fertilizer for use, if known, within

10 thirty days of notice by the commissioner to the registrant. If the purchaser-user of

11 the fertilizer cannot be identified, the penalty shall be paid to the commission.

12 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Anders

HB No. 171

Abstract: Provides for a minimum inspection fee for each quarterly tonnage report on fertilizer sales and provides for a deficiency assessment against the guarantor for certain fertilizer deficiencies.

Present law provides that every person manufacturing or selling fertilizer shall be registered with the La. Feed, Fertilizer, and Agricultural Liming Commission. Further provides for the payment of inspection fees on the basis of tonnage reports due on specific quarterly dates.

Proposed law clarifies that the minimum inspection fee due shall be \$10 and clarifies the quarterly due dates as the first day of April, July, Oct., and Jan. Otherwise retains present law.

Present law provides for the commissioner to assess a deficiency assessment against a guarantor if a given lot or shipment of fertilizer is found deficient in one or more guaranteed plant foods, based on analysis performed by the state chemist.

Proposed law clarifies that the minimum deficiency assessment shall be \$10. Otherwise retains present law.

(Amends R.S. 3:1413(C)(2)(a) and 1415(A)(6); Adds R.S. 3:1415(A)(7))