What about soil amendments used in agriculture crop production? Are they reported like fertilizers?

Yes. Soil Amendments for agricultural use are reported on the bi-annual tonnage assessment report. The same laws apply to agricultural soil amendments as for agricultural fertilizers. However, the assessment fee for agricultural soil amendments is ten cents per ton when reporting 50 tons or more in a reporting period.

What if my reported total dollar amount is less than $5?

Fees must be paid only if the reported amount totals more than $5 in a reporting period. The report is still required to be submitted regardless of total amount due.

Can I report tonnage and pay assessment fees online?

Yes. Visit http://agr.mt.gov/MTPlants and follow instructions. For assistance call (406) 444-3730.

When is this report due?

Reporting periods end June 30 and Dec 31 with reports due no later than 30 days after the end of the reporting period.

Does MDA's Fertilizer Program have a website where I can find information?

Yes. Information can be found at:

http://agr.mt.gov/Topics/Fertilizer

MONTANA Department of AGRICULTURE

Commodity Services Bureau

Fertilizer Program

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The purpose of this brochure is to clarify who is responsible to submit bi-annual tonnage reports and pay assessment fees. This is a summary of Montana Law. For exact language of the statute, see Title 80, Chapter 10 of the Montana Code Annotated.

http://www.leg.mt.gov/bills/mca/title_0800/chapter_0100/parts_index.html

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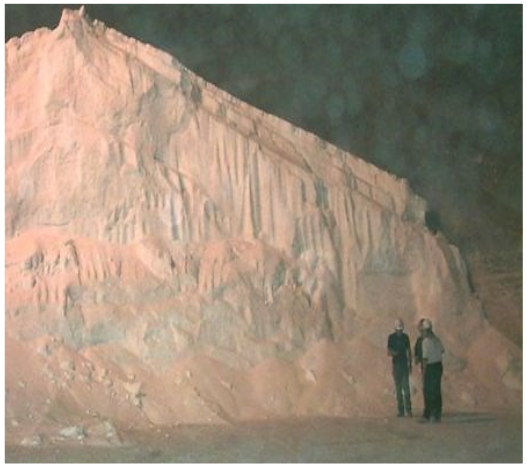
MONTANA Department of AGRICULTURE

Fertilizer Bi-Annual Tonnage Assessment Report

FAQ Sheet



Who is responsible for submitting bi-annual fertilizer tonnage reports and paying the associated tonnage assessment fees?

The In-State Manufacturer or Out-of-State Supplier bears the sole responsibility to report bi-annual tonnage and to pay any associated assessment fees.

What are common characteristics that describe a Supplier?

A Supplier is a person who distributes fertilizers or soil amendments into Montana. Three common characteristics that describe a Supplier are "owning the fertilizer in transit", "assuming the risk of transportation", and "having responsibility for filing claims for loss and damages" when the fertilizer enters Montana.

I am a Montana Business. Can I be categorized as a Supplier and be required to submit bi-annual assessment reports?

Yes. As an in-state business you can take on the designation of an out-of-state supplier if you arrange to have fertilizer supplied to a Montana destination from an out-of-state origin. When you assume responsibility for the fertilizer, own the fertilizer during transport, and can file for loss or damages for the fertilizer product being delivered into Montana, you are considered an Out-of-State Supplier. Once you take on this designation, you are required by state law to report bi-annual tonnages, to pay any associated assessment fees for the supplied fertilizer, and to report to whom the fertilizer or soil amendment was distributed.

I blend fertilizers for farm use in Montana. Am I considered an in-state manufacturer?

No, almost all in-state blending facilities are NOT manufacturers. When submitting a fertilizer license application (new or renewal), there are several selections to describe your business. Unless a facility truly manufactures a product, all in-state blending facilities should be identified as a Blender and NOT as a Manufacturer or a Supplier.

What is MDA's interpretation of manufacturer?

MDA considers companies who create or mine fertilizer base products as manufacturers and licenses them as such. Most base products being used by Montana's blending facilities come from out-of-state manufacturers. Some examples of base products include 34-0-0, 11-52-0, 46-0-0, and 0-0-62.

What about out-of-state blenders that distribute fertilizer into Montana?

Out-of-state blenders who distribute fertilizers into Montana are considered Suppliers and are required by law to be licensed with MDA as a Supplier. They are also required to file bi-annual reports, to pay any associated tonnage assessment fees on the fertilizer supplied into Montana (blended or not), and to report to whom the fertilizer was distributed.

My business is in-state. Am I obligated to report and pay tonnage fees on fertilizers that I trade or sell from my facility to another licensed in-state facility?

No. Once the tonnage is reported and assessment fees are paid by the out-of-state supplier or the in-state manufacturer, there are no other bi-annual reporting requirements or fees on the transfer of fertilizer from one licensed in-state facility to another licensed facility.

I am a broker of fertilizer. What are my obligations?

A broker fits under the definition of "person" in the law: an individual, partnership, association, firm, or corporation. A broker who performs any of the functions described under the definition of "distribute" (to offer for sale, sell, barter, or otherwise supply commercial fertilizers or soil amendments) is required to be licensed with the department. If the broker meets the conditions of being a Supplier, that "person" would be designated as such and would be responsible to submit bi-annual reports, to pay the associated tonnage assessment fees and to report to whom the product was distributed.