

**Stricken language would be deleted from and underlined language would be added to the law as it existed  
prior to this session of the General Assembly.  
Act 326 of the Regular Session**

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

SENATE BILL 361

5 By: Senators Luker, Broadway, J. Jeffress, Whitaker  
6 By: Representatives J. Brown, Betts, Breedlove, Dale, George, Hall, House, Hyde, Ingram, Moore,  
7 Pennartz, Ragland, Reep, T. Rogers, Sample, Saunders, Wagner  
8  
9

## For An Act To Be Entitled

11 AN ACT TO INCREASE THE FEE FOR THE MONTHLY  
12 FERTILIZER TONNAGE REPORTS; TO CLARIFY THAT THE  
13 FEES ARE TO BE DEPOSITED IN THE UNIVERSITY OF  
14 ARKANSAS, DIVISION OF AGRICULTURE, SOIL TESTING  
15 AND RESEARCH FUND; AND FOR OTHER PURPOSES.  
16

### Subtitle

17 TO INCREASE THE FEE FOR THE MONTHLY  
18 FERTILIZER TONNAGE REPORTS AND TO  
19 CLARIFY THAT THE FEES ARE TO BE  
20 DEPOSITED IN THE UNIVERSITY OF ARKANSAS,  
21 DIVISION OF AGRICULTURE, SOIL TESTING  
22 AND RESEARCH FUND.  
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25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. Arkansas Code § 2-19-209(a), concerning the fees for the  
29 monthly tonnage reports, is amended to read as follows:

30 (a)(1)(A) All manufacturers and manipulators or agents representing  
31 them who have registered their brands in compliance with § 2-19-202 shall  
32 forward to the State Plant Board each month a report which shall reach its  
33 office on or before the twentieth day of the month, on the forms and in the  
34 number of copies to be prescribed by the State Plant Board.

35 (B) The report shall include a sworn statement of the



1 total tonnage of all commercial fertilizers and fertilizer materials shipped  
 2 or caused to be shipped for sale or consumption in this state, or which have  
 3 been made, mixed, manufactured, or compounded in this state for sale or  
 4 consumption in this state.

5 (2)(A)(i) The report shall be accompanied with the sum of ~~one~~  
 6 ~~dollar and twenty cents (\$1.20)~~ two dollars and forty cents (\$2.40) per ton  
 7 or fractional ton.

8 (ii) A fee of ~~one dollar and twenty cents (\$1.20)~~  
 9 two dollars and forty cents (\$2.40) will accompany each monthly report of  
 10 tonnage which amounts to less than one (1) ton.

11 (B) The State Plant Board shall issue receipt for the  
 12 amount received and shall deposit the sums received as follows:

13 (i) ~~Thirty one cents (31¢) of the one dollar and~~  
 14 ~~twenty cent (\$1.20)~~ Sixty-two cents (62¢) of the two dollars and forty cent  
 15 (\$2.40) fee per ton or fractional ton inspected shall be deposited with the  
 16 Treasurer of State as special revenues and shall be credited to the Plant  
 17 Board Fund to be used for the maintenance, operation, support, and  
 18 improvement of the board; and

19 (ii)(a) ~~Eighty nine cents (89¢) of the one dollar~~  
 20 ~~and twenty cent (\$1.20)~~ One dollar and seventy-eight cents (\$1.78) of the two  
 21 dollar and forty cent (\$2.40) fee per ton or fractional ton inspected shall  
 22 be remitted to the Board of Trustees of the University of Arkansas and shall  
 23 be credited to a fund to be known as the "University of Arkansas, Division of  
 24 Agriculture, Soil Testing and Research Fund" to be maintained in accounts in  
 25 one (1) or more financial institutions in the State of Arkansas. This amount  
 26 shall be expended exclusively for soil testing service and soil fertility  
 27 research by the Board of Trustees of the University of Arkansas under  
 28 appropriations made by the General Assembly. It shall be expended in support  
 29 of one (1) or more soil testing laboratories and soil fertility research  
 30 activities at the main experiment station, branch experiment stations, or  
 31 subbranch experiment stations, as determined and designated by the Vice  
 32 President of Agriculture of the University of Arkansas.

33 (b)(1) The Board of Trustees of the University  
 34 of Arkansas shall provide for the investment of any funds in the University  
 35 of Arkansas, Division of Agriculture, Soil Testing and Research Fund that are  
 36 not needed for current operations of the soil testing laboratories and soil

1 fertility service and research activities and shall credit the interest  
2 earned on that investment to the credit of the University of Arkansas,  
3 Division of Agriculture, Soil Testing and Research Fund.

4 (2) The investment shall be of the type  
5 and nature authorized for the investment of average daily State Treasury  
6 balances by the State Board of Finance.

7  
8 SECTION 2. Arkansas Code § 2-19-211 is amended to read as follows:  
9 2-19-211. Use of penalties from fertilizer tonnage fees.

10 All penalties received by the State Plant Board for failure to pay or  
11 report fertilizer tonnage fees shall be remitted to the Board of Trustees of  
12 the University of Arkansas, to be credited to the University of Arkansas,  
13 Division of Agriculture, Soil Testing and Research Fund in the same manner as  
14 prescribed by § 2-19-209 and to be used for the same purposes as described in  
15 § 2-19-209.

16  
17 SECTION 3. Arkansas Code § 2-19-307(a), concerning quarterly tonnage  
18 reports for liming materials, is amended to read as follows:

19 (a)(1)(A)(i) All manufacturers, importers, and other guarantors who  
20 are registered pursuant to § 2-19-306(a) shall forward to the State Plant  
21 Board each quarter a report on forms prescribed by the State Plant Board, not  
22 later than thirty (30) days after the end of each quarter.

23 (ii) Quarters shall end September 30, December 31,  
24 March 31, and June 30 of each year.

25 (B) The report shall include a sworn statement of the  
26 total tonnage of all liming materials distributed in this state and shall be  
27 accompanied by the sum of thirty cents (30¢) per ton or fractional ton.

28 (2) A fee of thirty cents (30¢) will accompany each quarterly  
29 report of tonnage which amounts to less than one (1) ton.

30 (3)(A) When sales or distributions of liming materials are  
31 between registrants, the registrant who sells or distributes to a person or  
32 firm who is not a registrant shall be responsible for payment of the  
33 inspection fee unless the payment is made by the registrant initiating the  
34 transaction.

35 (B) Invoices of transactions between registrants shall be  
36 marked "inspection fee paid" or "inspection fee not paid"; otherwise, the

1 registrant initiating the transaction shall be responsible for the inspection  
2 fee.

3 (C) The State Plant Board shall issue receipts for the  
4 amounts received and shall deposit the sums received as follows:

5 (i) Twenty cents (20¢) of the thirty cent (30¢) fee  
6 per ton or fractional ton inspected shall be deposited with the Treasurer of  
7 State as special revenues. It shall be credited to the State Plant Board to  
8 be used for its maintenance, operation, support, and improvement; and

9 (ii)(a) Ten cents (10¢) of the thirty cent (30¢) fee  
10 per ton or fractional ton inspected shall be remitted to the Board of  
11 Trustees of the University of Arkansas. This amount shall be credited to a  
12 fund to be known as the "University of Arkansas, Division of Agriculture,  
13 Soil Testing and Research Fund" to be maintained in accounts in one (1) or  
14 more financial institutions in the State of Arkansas. This amount shall be  
15 expended exclusively for soil testing service and soil fertility research and  
16 extension by the Board of Trustees of the University of Arkansas under  
17 appropriations made by the General Assembly. It shall be expended in support  
18 of one (1) or more soil testing laboratories and soil fertility research  
19 activities at the main experiment stations, branch experiment stations, or  
20 subbranch experiment stations, as determined and designated by the Vice  
21 President of Agriculture of the University of Arkansas.

22 (b)(1) The Board of Trustees of the University  
23 of Arkansas shall provide for the investment of any funds in the University  
24 of Arkansas, Division of Agriculture, Soil Testing and Research Fund that are  
25 not needed for current operations of the soil testing laboratories and soil  
26 fertility service and research and extension activities and shall credit the  
27 interest earned on the investment to the credit of the University of  
28 Arkansas, Division of Agriculture, Soil Testing and Research Fund.

29 (2) The investment shall be of the type  
30 and nature authorized for the investment of average daily State Treasury  
31 balances by the State Board of Finance.

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**APPROVED: 3/06/2009**