

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL

4 **By: Representatives Parkerson, Jones, Argue, and Hendrix**

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For An Act To Be Entitled

8 "AN ACT TO ASSESS FEES TO BE USED FOR SUPPORT AND
9 OPERATION OF THE ARKANSAS STATE PLANT BOARD; AND FOR OTHER
10 PURPOSES."

11

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Subtitle

13 "TO ASSESS FEES TO BE USED FOR SUPPORT AND OPERATION OF
14 THE ARKANSAS STATE PLANT BOARD."

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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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18 SECTION 1. Arkansas Code Annotated 2-19-209(a) is hereby amended to
19 read as follows:

20 "§2-19-209. Monthly tonnage reports.

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

26 (B) The report shall include a sworn statement of the total
27 tonnage of all commercial fertilizers and fertilizer materials shipped or
28 caused to be shipped, for sale or consumption in this state, or which have
29 been made, mixed, manufactured, or compounded in this state for sale or
30 consumption in this state.

31 (2) (A) (i) The report shall be accompanied with the sum of one
32 dollar and eighty cents (\$1.80) per ton or fractional ton.

33 (ii) A fee of one dollar and eighty cents (\$1.80)
34 will accompany each monthly report of tonnage which amounts to less than one
35 (1) ton.

1 (B) The board shall issue receipt for the amount received
2 and shall deposit the sums received as follows:

3 (i) Fifty percent (50%) of the one dollar and eighty
4 cents (\$1.80) per ton, or fractional ton, inspected shall be deposited with
5 the State Treasurer as special revenues and shall be credited to the State
6 Plant Board Fund to be used for the maintenance, operation, support, and
7 improvement of the board; and

8 (ii) (a) Fifty percent (50%) of the one dollar and
9 eighty cents (\$1.80) fee, per ton, or fractional ton, shall be remitted to the
10 Board of Trustees of the University of Arkansas and shall be credited to a
11 fund to be known as the University of Arkansas Soil Testing and Research Fund
12 to be maintained in accounts in one (1) or more financial institutions in the
13 State of Arkansas. This amount shall be expended exclusively for soil testing
14 service and soil fertility research by the Board of Trustees of the University
15 of Arkansas under appropriations made by the General Assembly. It shall be
16 expended in support of one (1) or more soil testing laboratories and soil
17 fertility research activities at the main experiment station, branch
18 experiment stations, or subbranch experiment stations, as determined and
19 designated by the Vice President of Agriculture of the University of Arkansas.

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

26 (2) The investment shall be of the type
27 and nature authorized for the investment of average daily State Treasury
28 balances by the State Board of Finance."

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30 SECTION 2. Arkansas Code Annotated 2-19-307(a) is hereby amended to
31 read as follows:

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

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

3 (B) The report shall include a sworn statement of the total
4 tonnage of all liming materials distributed in this state and shall be
5 accompanied by the sum of forty cents (40) per ton or fractional ton.

6 (2) A fee of forty cents (40¢) will accompany each quarterly
7 report of tonnage which amounts to less than one (1) ton.

8 (3) (A) When sales or distributions of liming materials are
9 between registrants, the registrant who sells or distributes to a person or
10 firm who is not a registrant shall be responsible for payment of the
11 inspection fee unless the payment is made by the registrant initiating the
12 transaction.

13 (B) Invoices of transactions between registrants shall be
14 marked inspection fee paid or inspection fee not paid; otherwise, the
15 registrant initiating the transaction shall be responsible for the inspection
16 fee.

17 (C) The board shall issue receipts for the amounts received
18 and shall deposit the sums received as follows:

19 (i) Thirty cents (30¢) of the forty cents (40¢) fee
20 per ton or fractional ton, inspected shall be deposited with the State
21 Treasurer as special revenues. It shall be credited to the board to be used
22 for its maintenance, operation, support, and improvement; and

23 (ii) (a) Ten cents (10¢) of the forty cents (40¢) fee per ton, or
24 fractional ton, shall be remitted to the Board of Trustees of the University
25 of Arkansas. This amount shall be credited to a fund to be known as the
26 University of Arkansas Soil Testing and Research Fund to be maintained in
27 accounts in one (1) or more financial institutions in the State of Arkansas.
28 This amount shall be expended exclusively for soil testing service and soil
29 fertility research and extension by the Board of Trustees of the University of
30 Arkansas under appropriations made by the General Assembly. It shall be
31 expended in support of one (1) or more soil testing laboratories and soil
32 fertility research activities at the main experiment stations, branch
33 experiment stations, or subbranch experiment stations, as determined and
34 designated by the Vice-President of Agriculture of the University of Arkansas.

35 (b) (i) The Board of Trustees shall provide for

1 the investment of any funds in the University of Arkansas Soil Testing and
2 Research Fund that are not needed for current operations of the soil testing
3 laboratories and soil fertility service and research and extension activities
4 and shall credit the interest earned on the investment to the credit of the
5 University of Arkansas Soil Testing and Research Fund.

6 (ii) The investment shall be of the type
7 and nature authorized for the investment of average daily State Treasury
8 balances by the State Board of Finance."

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10 SECTION 3. Arkansas Code Annotated 2-17-213 is hereby amended to read
11 as follows:

12 "§2-17-213. Annual license fee.

13 Subsequent to the issuance of an initial license under this subchapter,
14 every applicant shall pay an annual license fee based upon the capacity of the
15 warehouse. The fee shall be determined by the commissioner but shall not
16 exceed one thousand five hundred dollars (\$1,500)."

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18 SECTION 4. Arkansas Code Annotated 2-17-238 is hereby amended to read
19 as follows:

20 "§2-17-238. Disposition of revenues.

21 All revenues collected under the provisions of this subchapter by the
22 State Plant Board shall be deposited into the Plant Board Fund to be used for
23 the maintenance, operation, support, and improvement of the board."

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25 SECTION 5. Arkansas Code Annotated 2-37-114(b)(1) is hereby amended to
26 read as follows:

27 "(b)(1) Each quarterly report as required in this section shall be
28 accompanied by a payment equal to forty cents (40¢) per ton of the total
29 tonnage as shown thereon as an inspection fee, which shall be in lieu of all
30 other inspection fees imposed in respect to it."

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32 SECTION 6. Arkansas Code Annotated 2-37-114(g) is hereby amended to
33 read as follows:

34 "(g) The inspection fee of forty cents (40¢) per ton shall not apply to
35 whole seeds and grains when not mixed with other whole seeds or materials."

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SECTION 7. The board is empowered to recover any identifiable expenses from the owner or other person in possession or control of the property upon which it enforces, maintains, and administers any quarantine that is imposed due to infestations or infections of insect pests, diseases, or noxious weeds. Whenever the owner or other person cannot be found or shall fail, neglect, or refuse to reimburse the board for incurred quarantine expenses, the State Plant Board shall have and enforce a lien for such expenses upon the property upon which it enforces, maintains, or administers any quarantine in the same manner as liens are had and enforced upon property for labor and materials furnished by virtue of contract with the owner.

SECTION 8. The State Plant Board is hereby authorized to promulgate such rules and regulations necessary to administer the fees, rates, tolls, or charges for services established by this act and is directed to prescribe and collect such fees, rates, tolls, or charges for the services delivered by the State Plant Board in such manner as may be necessary to support the programs of the board as directed by the Governor and legislature.

SECTION 9. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 11. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 12. EMERGENCY. It is hereby found and determined by the General Assembly that the provisions of this act are of critical importance to the state's ability to continue the duties, responsibilities, and functions of

1 the State Plant Board. Therefore, an emergency is hereby declared to exist
2 and this act being necessary for the immediate preservation of the public
3 peace, health and safety shall be in full force and effect from and after its
4 passage and approval.