

*As Engrossed: 3/10/93*

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

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."

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12

### **Subtitle**

13 "AN ACT TO ASSESS FEES FOR THE STATE PLANT BOARD."

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

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

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

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

29 (2) (A) (i) The report shall be accompanied with the sum of one dollar and  
30 twenty cents (\$1.20) per ton or fractional ton.

31 (ii) A fee of one dollar and twenty cents (\$1.20) will accompany each  
32 monthly report of tonnage which amounts to less than one (1) ton.

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

35 (i) Thirty-one cents (31¢) of the one dollar and twenty cents (\$1.20)

1 per ton, or fractional ton, inspected shall be deposited with the State  
2 Treasurer as special revenues and shall be credited to the State Plant Board  
3 Fund to be used for the maintenance, operation, support, and improvement of  
4 the board; and

5       (ii) (a) Eighty-nine cents (89¢) of the one dollar and twenty cents  
6 (\$1.20) fee, per ton, or fractional ton, shall be remitted to the Board of  
7 Trustees of the University of Arkansas and shall be credited to a fund to be  
8 known as the University of Arkansas Soil Testing and Research Fund to be  
9 maintained in accounts in one (1) or more financial institutions in the State  
10 of Arkansas. This amount shall be expended exclusively for soil testing  
11 service and soil fertility research by the Board of Trustees of the University  
12 of Arkansas under appropriations made by the General Assembly. It shall be  
13 expended in support of one (1) or more soil testing laboratories and soil  
14 fertility research activities at the main experiment station, branch  
15 experiment stations, or subbranch experiment stations, as determined and  
16 designated by the Vice President of Agriculture of the University of Arkansas.

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

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

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27       SECTION 2. Arkansas Code Annotated 2-19-307 (a) is amended to read as  
28 follows:

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

33       (ii) Quarters shall end September 30, December 31, March 31, and June  
34 30 of each year.

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

1 all liming materials distributed in this state and shall be accompanied by the  
2 sum of thirty cents (30¢) per ton or fractional ton.

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

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

9 (B) Invoices of transactions between registrants shall be marked  
10 inspection fee paid or inspection fee not paid; otherwise, the registrant  
11 initiating the transaction shall be responsible for the inspection fee.

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

14 (i) Twenty cents (20¢) of the thirty cents (30¢) fee per ton or  
15 fractional ton, inspected shall be deposited with the State Treasurer as  
16 special revenues. It shall be credited to the board to be used for its  
17 maintenance, operation, support, and improvement; and

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

30 (b) (i) The Board of Trustees shall provide for the investment of any  
31 funds in the University of Arkansas Soil Testing and Research Fund that are  
32 not needed for current operations of the soil testing laboratories and soil  
33 fertility service and research and extension activities and shall credit the  
34 interest earned on the investment to the credit of the University of Arkansas  
35 Soil Testing and Research Fund.

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

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5 SECTION 3. Arkansas Code Annotated 2-17-213 is amended to read as  
6 follows:

7 "2-17-213. Annual license fee.

8 Subsequent to the issuance of an initial license under this subchapter,  
9 every applicant shall pay an annual license fee based upon the capacity of the  
10 warehouse. The fee shall be determined by the commissioner but shall not be  
11 less than two hundred fifty dollars (\$250) nor more than eight hundred dollars  
12 (\$800)."

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14 SECTION 4. Arkansas Code Annotated 2-17-238 is amended to read as  
15 follows:

16 "2-17-238. Disposition of revenues.

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

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

23 "2-37-114. Quarterly tonnage reports and inspection fees.

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

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

31 "(g) The inspection fee of thirty cents (30¢) per ton shall not apply to  
32 whole seeds and grains when not mixed with other whole seeds or materials."

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34 SECTION 7. Arkansas Code 2-16-407(f) is amended to read as follows:

35 "(f) The applicant desiring to register a pesticide shall pay an annual

1 registration fee as prescribed in the regulations of the board for each  
2 pesticide registered by the applicant. The annual registration fee shall not  
3 be less than sixty dollars (\$60) for each product registered. All  
4 registrations shall expire December 31 each year."

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7 SECTION 8. The Board is empowered to recover any identifiable expenses  
8 from the owner or other person in possession or control of the property upon  
9 which it enforces, maintains, and administers any quarantine that is imposed  
10 due to infestations or infections of insect pests, diseases, or noxious weeds.  
11 Whenever the owner or other person cannot be found or shall fail, neglect, or  
12 refuse to reimburse the Board for incurred quarantine expenses, the State  
13 Plant Board shall have and enforce a lien for such expenses upon the property  
14 upon which it enforces, maintains, or administers any quarantine in the same  
15 manner as liens are had and enforced upon property for labor and materials  
16 furnished by virtue of contract with the owner.

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18 SECTION 9. The State Plant Board is hereby authorized to promulgate  
19 such rules and regulations necessary to administer the fees, rates, tolls, or  
20 charges for services established by this act and is directed to prescribe and  
21 collect such fees, rates, tolls, or charges for the services delivered by the  
22 State Plant Board in such manner as may be necessary to support the programs  
23 of the Board as directed by the Governor and Legislature.

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25 SECTION 10. All provisions of this act of a general and permanent  
26 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
27 Code Revision Commission shall incorporate the same in the Code.

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29 SECTION 11. If any provision of this act or the application thereof to  
30 any person or circumstance is held invalid, such invalidity shall not affect  
31 other provisions or applications of the act which can be given effect without  
32 the invalid provision or application, and to this end the provisions of this  
33 act are declared to be severable.

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35 SECTION 12. All laws and parts of laws in conflict with this act are

1 hereby repealed.

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3           SECTION 13. EMERGENCY. It is hereby found and determined by the  
4 Seventy-Ninth General Assembly meeting in Regular Session that the provisions  
5 of this act are of critical importance to the state\_s ability to continue the  
6 duties, responsibilities, and functions of the State Plant Board. Therefore,  
7 an emergency is hereby declared to exist and this act being necessary for the  
8 immediate preservation of the public peace, health and safety shall be in full  
9 force and effect from and after its passage and approval.

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*/s/Rep. Parkerson, et al*

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