

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.

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  
36 total tonnage of all commercial fertilizers and fertilizer materials shipped



1 or caused to be shipped for sale or consumption in this state, or which have  
 2 been made, mixed, manufactured, or compounded in this state for sale or  
 3 consumption in this state.

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

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

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

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

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

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

1 earned on that investment to the credit of the University of Arkansas,  
2 Division of Agriculture, Soil Testing and Research Fund.

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

6  
7 SECTION 2. Arkansas Code § 2-19-211 is amended to read as follows:

8 2-19-211. Use of penalties from fertilizer tonnage fees.

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

15  
16 SECTION 3. Arkansas Code § 2-19-307(a), concerning quarterly tonnage  
17 reports for liming materials, is amended to read as follows:

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

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

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

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

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

34 (B) Invoices of transactions between registrants shall be  
35 marked "inspection fee paid" or "inspection fee not paid"; otherwise, the  
36 registrant initiating the transaction shall be responsible for the inspection

1 fee.

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

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

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

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

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

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