A Bill

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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