

1 ENGROSSED SENATE
2 BILL NO. 432

By: Justice of the Senate

3 and

4 Armes of the House

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7 An Act relating to agriculture; amending 2 O.S. 2001,
8 Section 8-77.7, as amended by Section 6, Chapter 383,
9 O.S.L. 2002 (2 O.S. Supp. 2008, Section 8-77.7),
10 which relates to inspection fee; modifying certain
11 fee; modifying distribution of fee; expanding purpose
12 of fee; and providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 2 O.S. 2001, Section 8-77.7, as
15 amended by Section 6, Chapter 383, O.S.L. 2002 (2 O.S. Supp. 2008,
16 Section 8-77.7), is amended to read as follows:

17 Section 8-77.7 A. Each registrant distributing fertilizer in
18 this state shall file with the State Board of Agriculture, not later
19 than the last day of January and July of each year, a semiannual
20 inspection fee report setting forth, under oath, the number of tons
21 ~~sixty-five cents (\$0.65)~~ One Dollar (\$1.00) per ton of which ~~thirty~~
22 ~~cents (\$0.30)~~ fifty cents (\$0.50) per ton shall be forwarded
23 directly to a special Soil Fertility Research Account in the
24 Department of Plant and Soil Sciences Department of the Division of

1 Agricultural Sciences and Natural Resources at Oklahoma State
2 University for the ~~sole~~ purpose of conducting soil fertility
3 research and extension involving efficient fertilizer use for
4 agronomic crops and forages and groundwater and surface water
5 protection from plant food nutrients. Oklahoma State University
6 shall present an annual report to the Agriculture Committees of the
7 Legislature on the use of the special Soil Fertility Research
8 Account Fund.

9 B. Each registrant distributing commercial fertilizer in this
10 state shall file with the State Board of Agriculture not later than
11 the last day of January and July of each year, a semiannual tonnage
12 report stating under oath:

13 1. The number of net tons of fertilizer distributed during the
14 preceding six (6) calendar months;

15 2. The amount in tons of each grade of fertilizer distributed
16 during the preceding six (6) calendar months; and

17 3. Whether the fertilizer was distributed in bag, bulk, or
18 liquid.

19 C. If no fertilizer was sold or distributed in this state for
20 the semiannual period, the registrant shall submit a statement
21 reflecting that information and shall remit a minimum fee of Ten
22 Dollars (\$10.00). If the inspection fee and tonnage report are not
23 filed and the payment of the inspection fee is not made within
24 thirty (30) days after the end of the specified filing period, a

1 collection fee of ten percent (10%) of the inspection fee due or a
2 minimum of Ten Dollars (\$10.00) shall be assessed and added to the
3 amount due.

4 D. Sales or exchanges between importers, manufacturers,
5 distributors, registrants, or licensees are exempt.

6 E. When more than one person is involved in the distribution of
7 a fertilizer, the last person who has the fertilizer registered and
8 who distributed the fertilizer to a nonregistrant dealer or consumer
9 is responsible for reporting the tonnage and paying the inspection
10 fee, unless the report and payment is made by a prior distributor or
11 manufacturer of the fertilizer.

12 F. If the Board finds any deficient inspection fees due as a
13 result of an audit of the records of any person subject to the
14 provisions of the Oklahoma Fertilizer Act, the Board shall assess a
15 penalty fee of ten percent (10%) of the amount due, with a maximum
16 not to exceed Two Thousand Dollars (\$2,000.00) or a minimum of One
17 Hundred Dollars (\$100.00) whichever is greater. The audit penalty
18 shall be added to the deficient inspection fees due and payment
19 shall be made within thirty (30) days of notice of the deficiency.

20 G. No information furnished to the Board under this section
21 shall be disclosed in a way which divulges proprietary information
22 about the operation of any person.

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1 H. Each registrant, distributor, or manufacturer shall keep
2 accurate records of the tonnage of fertilizer distributed in this
3 state.

4 SECTION 2. This act shall become effective November 1, 2009.

5 Passed the Senate the 26th day of February, 2009.

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Presiding Officer of the Senate

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9 Passed the House of Representatives the ____ day of _____,

10 2009.

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Presiding Officer of the House
of Representatives

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