

THE HOUSE OF REPRESENTATIVES  
Thursday, April 2, 2009

ENGROSSED

Senate Bill No. 432

ENGROSSED SENATE BILL NO. 432 - By: JUSTICE of the Senate and ARMES of the House.

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

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

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

4 Section 8-77.7 A. Each registrant distributing fertilizer in this state shall file with  
5 the State Board of Agriculture, not later than the last day of January and July of each  
6 year, a semiannual inspection fee report setting forth, under oath, the number of tons  
7 sold or distributed during the period and pay an inspection fee of ~~sixty-five cents (\$0.65)~~  
8 One Dollar (\$1.00) per ton of which ~~thirty cents (\$0.30)~~ fifty cents (\$0.50) per ton shall be  
9 forwarded directly to a special Soil Fertility Research Account in the Department of  
10 Plant and Soil Sciences Department of the Division of Agricultural Sciences and Natural  
11 Resources at Oklahoma State University for the sole purpose of conducting soil fertility

1 research and extension involving efficient fertilizer use for agronomic crops and forages  
2 and groundwater and surface water protection from plant food nutrients. Oklahoma  
3 State University shall present an annual report to the Agriculture Committees of the  
4 Legislature on the use of the special Soil Fertility Research Account Fund.

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

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

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

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

13 C. If no fertilizer was sold or distributed in this state for the semiannual period, the  
14 registrant shall submit a statement reflecting that information and shall remit a  
15 minimum fee of Ten Dollars (\$10.00). If the inspection fee and tonnage report are not  
16 filed and the payment of the inspection fee is not made within thirty (30) days after the  
17 end of the specified filing period, a collection fee of ten percent (10%) of the inspection fee  
18 due or a minimum of Ten Dollars (\$10.00) shall be assessed and added to the amount  
19 due.

20 D. Sales or exchanges between importers, manufacturers, distributors, registrants,  
21 or licensees are exempt.

1 E. When more than one person is involved in the distribution of a fertilizer, the last  
2 person who has the fertilizer registered and who distributed the fertilizer to a  
3 nonregistrant dealer or consumer is responsible for reporting the tonnage and paying the  
4 inspection fee, unless the report and payment is made by a prior distributor or  
5 manufacturer of the fertilizer.

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL  
19 DEVELOPMENT, dated 04-01-09 - DO PASS.