

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 432

By: Justice

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5  
6 AS INTRODUCED

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.

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