

As Engrossed: 3/10/93

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 783 OF 1993
HOUSE BILL 1815

4 **By: Representatives Parkerson, Jones, Argue, and Hendrix**

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For An Act To Be Entitled

8 "AN ACT TO ASSESS FEES TO BE USED FOR SUPPORT AND
9 OPERATION OF THE ARKANSAS STATE PLANT BOARD; AND FOR OTHER
10 PURPOSES."

11

Subtitle

12 "AN ACT TO ASSESS FEES FOR THE STATE PLANT BOARD."

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

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17 SECTION 1. Arkansas Code Annotated 2-19-209 (a) is amended to read as
18 follows:

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

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

29 (2) (A) (i) The report shall be accompanied with the sum of one dollar and
30 twenty cents (\$1.20) per ton or fractional ton.

31 (ii) A fee of one dollar and twenty cents (\$1.20) will accompany each
32 monthly report of tonnage which amounts to less than one (1) ton.

33 (B) The board shall issue receipt for the amount received and shall
34 deposit the sums received as follows:

35 (i) Thirty-one cents (31¢) of the one dollar and twenty cents (\$1.20)
36 per ton, or fractional ton, inspected shall be deposited with the State

1 Treasurer as special revenues and shall be credited to the State Plant Board
2 Fund to be used for the maintenance, operation, support, and improvement of
3 the board; and

4 (ii) (a) Eighty-nine cents (89¢) of the one dollar and twenty cents
5 (\$1.20) fee, per ton, or fractional ton, shall be remitted to the Board of
6 Trustees of the University of Arkansas and shall be credited to a fund to be
7 known as the University of Arkansas Soil Testing and Research Fund to be
8 maintained in accounts in one (1) or more financial institutions in the State
9 of Arkansas. This amount shall be expended exclusively for soil testing
10 service and soil fertility research by the Board of Trustees of the University
11 of Arkansas under appropriations made by the General Assembly. It shall be
12 expended in support of one (1) or more soil testing laboratories and soil
13 fertility research activities at the main experiment station, branch
14 experiment stations, or subbranch experiment stations, as determined and
15 designated by the Vice President of Agriculture of the University of Arkansas.

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

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

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26 SECTION 2. Arkansas Code Annotated 2-19-307 (a) is amended to read as
27 follows:

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

32 (ii) Quarters shall end September 30, December 31, March 31, and June
33 30 of each year.

34 (B) The report shall include a sworn statement of the total tonnage of
35 all liming materials distributed in this state and shall be accompanied by the

1 sum of thirty cents (30¢) per ton or fractional ton.

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

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

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

11 (C) The board shall issue receipts for the amounts received and shall
12 deposit the sums received as follows:

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

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

29 (b) (i) The Board of Trustees shall provide for the investment of any
30 funds in the University of Arkansas Soil Testing and Research Fund that are
31 not needed for current operations of the soil testing laboratories and soil
32 fertility service and research and extension activities and shall credit the
33 interest earned on the investment to the credit of the University of Arkansas
34 Soil Testing and Research Fund.

35 (ii) The investment shall be of the type and nature authorized for the

1 investment of average daily State Treasury balances by the State Board of
2 Finance."

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4 SECTION 3. Arkansas Code Annotated 2-17-213 is amended to read as
5 follows:

6 "2-17-213. Annual license fee.

7 Subsequent to the issuance of an initial license under this subchapter,
8 every applicant shall pay an annual license fee based upon the capacity of the
9 warehouse. The fee shall be determined by the commissioner but shall not be
10 less than two hundred fifty dollars (\$250) nor more than eight hundred dollars
11 (\$800)."

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13 SECTION 4. Arkansas Code Annotated 2-17-238 is amended to read as
14 follows:

15 "2-17-238. Disposition of revenues.

16 All revenues collected under the provisions of this subchapter by the
17 State Plant Board shall be deposited into the Plant Board Fund to be used for
18 the maintenance, operation, support, and improvement of the Board. ."

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20 SECTION 5. Arkansas Code Annotated 2-37-114 (b) (1) is amended to read
21 as follows:

22 "2-37-114. Quarterly tonnage reports and inspection fees.

23 (b) (1) Each quarterly report as required in this section shall be
24 accompanied by a payment equal to thirty cents (30¢) per ton of the total
25 tonnage as shown thereon as an inspection fee, which shall be in lieu of all
26 other inspection fees imposed in respect to it."

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28 SECTION 6. Arkansas Code Annotated 2-37-114 (g) is amended to read as
29 follows:

30 "(g) The inspection fee of thirty cents (30¢) per ton shall not apply to
31 whole seeds and grains when not mixed with other whole seeds or materials."

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33 SECTION 7. Arkansas Code 2-16-407(f) is amended to read as follows:

34 "(f) The applicant desiring to register a pesticide shall pay an annual
35 registration fee as prescribed in the regulations of the board for each

1 pesticide registered by the applicant. The annual registration fee shall not
2 be less than sixty dollars (\$60) for each product registered. All
3 registrations shall expire December 31 each year."

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6 SECTION 8. The Board is empowered to recover any identifiable expenses
7 from the owner or other person in possession or control of the property upon
8 which it enforces, maintains, and administers any quarantine that is imposed
9 due to infestations or infections of insect pests, diseases, or noxious weeds.
10 Whenever the owner or other person cannot be found or shall fail, neglect, or
11 refuse to reimburse the Board for incurred quarantine expenses, the State
12 Plant Board shall have and enforce a lien for such expenses upon the property
13 upon which it enforces, maintains, or administers any quarantine in the same
14 manner as liens are had and enforced upon property for labor and materials
15 furnished by virtue of contract with the owner.

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17 SECTION 9. The State Plant Board is hereby authorized to promulgate
18 such rules and regulations necessary to administer the fees, rates, tolls, or
19 charges for services established by this act and is directed to prescribe and
20 collect such fees, rates, tolls, or charges for the services delivered by the
21 State Plant Board in such manner as may be necessary to support the programs
22 of the Board as directed by the Governor and Legislature.

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24 SECTION 10. All provisions of this act of a general and permanent
25 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
26 Code Revision Commission shall incorporate the same in the Code.

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28 SECTION 11. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

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34 SECTION 12. All laws and parts of laws in conflict with this act are
35 hereby repealed.

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SECTION 13. EMERGENCY. It is hereby found and determined by the Seventy-Ninth General Assembly meeting in Regular Session that the provisions of this act are of critical importance to the state's ability to continue the duties, responsibilities, and functions of the State Plant Board. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/Rep. Parkerson, et al

APPROVED: 3/29/93

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