Be it Enacted by the People of the State of Oklahoma

Section I. Amendatory 2 O.S. 1981, Section 8-64, as amended by Section 4, Chapter 60, O.S.L. 1987 (2 O.S. Supp. 1988, Section 8-64), is amended to read as follows:

Section 8-64. A. For the purpose of helping to defray the expenses of inspection and otherwise administering and carrying out the provisions of this act, an inspection fee shall be paid to the Board on all commercial fertilizer sold or distributed for use within this state. All such fees collected shall be deposited in the State Department of Agriculture Revolving Fund.

B. Each registrant distributing commercial fertilizer in this state shale file with the Board not later than the last day of January, April, July and October of each year, a quarterly statement under oath, setting forth the number of net tons of commercial fertilizer distributed in this state during the preceding three (3) calendar months. An inspection fee of sixty-five cents (0.65) per ton shall accompany such statement of which thirty cents ($0.30) per ton shall be forwarded directly to a special Soil Fertility Research Account in the Agronomy Department of the Division of Agriculture at Oklahoma State University for the sole purpose of conducting soil fertility research involving efficient fertilizer use for agronomic crops and forages and groundwater protection from plant food nutrients. The Agronomy Department of the Division of Agriculture at Oklahoma State University shall present an annual report to the Agriculture Committees of the Legislature on the use of the special Soil Fertility Research Account fund. If no fertilizer was sold or distributed in this state for the quarter, the registrant shall submit a statement for the quarter as required by this subsection reflecting such information and shall remit a minimum fee of Five Dollars ($5.00) with the statement.

C. Each person, registrant, or manufacturer shall keep such records as may be necessary or required by the Board to indicate accurately the tonnage of commercial fertilizer distributed in this state. The Board or any authorized agent thereof shall have the right to examine such records and to verify statements of tonnage.

D. Each registrant distributing and selling fertilizer to a licensee, financial consumer, or retailer of specialty fertilizer shall file with the Board a report of the name and address of the consignee, including county, the amount shipped in tons of each grade of commercial fertilizer, and the form in which the fertilizer was distributed. The report shall be submitted as a copy of the invoice or summary report form approved by the Board on or before the 15th of each month covering shipment made during the preceding month.

E. Whenever the registrant shall have paid the inspection fee as provided herein, no other person shall be required to pay such inspection fee upon that specific registered brand and grade.

F. Any commercial fertilizer on which the inspection fee has not been paid shall be subject to a stop-sale, removal order, or seizure, with the exception of the sale or exchange of commercial fertilizer between manufacturers.

G. For the purpose of this act, a broker or distributor may be designated by the Board as an authorized registrant and guarantor of commercial fertilizer. Without this designation, the broker or distributor is not authorized to receive commercial fertilizer which is unregistered orr for which the inspection fees have not been paid.

H. Inspection fees which are due and have not been remitted to the Board within fifteen (15) days following the date due shall have a penalty fee of ten percent (10%), with a minimum of Five Dollars ($5.00), added to the amount due when payment is finally made.

I. If the Board finds any deficient inspection fees due as a result of an audit of the records of any person subject to the provisions of this act, the Board shall assess a penalty fee of ten percent (10%), with a maximum not to exceed Two Thousand Dollars ($2,000.00) of the amount due or One Hundred Dollars ($100.00) whichever is greater. The audit penalty shall be added to the deficient inspection fees due and payment shall be made within thirty (30) days of notice of such deficiency.

J. The assessment of penalties shall not prevent the Board from taking other such action as provided in this act.

Section 2. This act shall become effective November 1, 1989.

Passed the Senate the 2d day of March, 1989.

President of the Senate

Passed the House of Representatives the 24th day of April, 1989.

Speaker Pro Tempore of the House of Representatives