

BILL ANALYSIS

Senate Research Center
78R8234 AKH-F

H.B. 2558
By: Swinford (Duncan)
Subcommittee on Agriculture
5/5/2003
Engrossed

DIGEST AND PURPOSE

Currently, the person responsible for paying the inspection fee is required to file with the Texas Feed and Fertilizer Service (service) a quarterly sworn report either stating that no tonnage of commercial fertilizer was distributed during the preceding quarter or setting forth the tonnage of each commercial fertilizer that the person distributed in this state during the preceding quarter. Also, a quarterly tonnage report and inspection fee payment is due on or before the 31st day following the last day of certain months and a stop-sale order expires at the end of the 10th day following a certain other date. H.B. 2558 changes reporting requirements and orders relating to commercial fertilizer. This bill also provides the necessary language to bring the fertilizer law up to date with the current feed law.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 63.072, Agriculture Code, as follows:

Sec. 62.072. New heading: TONNAGE REPORT AND INSPECTION FEE PAYMENT.

(a) Requires the person responsible for paying a fertilizer inspection fee to file with the Texas Feed and Fertilizer Service (service) a sworn, rather than quarterly sworn, report either stating that no tonnage of commercial fertilizer was distributed during the preceding reporting period, rather than quarter, or setting forth the tonnage of all the, rather than each, commercial fertilizer that a person manufactured or distributed in this state during the preceding reporting period. Requires the person to file the report quarterly if the total amount of inspection fees in a year is \$100 or more, or annually if the total amount of inspection fees in a year is less than \$100. Makes a conforming change.

(b) Requires each tonnage report to be accompanied by payment of the inspection fee due based on the tonnage reported for that quarter or year, as applicable. Makes a conforming change.

(c) Provides that a tonnage report and inspection fee payment is due on certain dates for certain persons.

(d) Authorizes the service to prescribe and furnish forms as necessary under this section. Deletes existing text relating to requiring the quarterly tonnage report to be made on forms prescribed and furnished by the service.

SECTION 2. Amends Section 63.073, Agriculture Code, as follows:

(a) Makes conforming changes.

(b) Provides that a penalty, together with the delinquent inspection fee, is due before the 61st, rather than 41st, day following the last day of the, rather than a, quarter, for quarterly reports, or of August, for annual reports.

SECTION 3. Amends Section 63.074(a), Agriculture Code, to make a conforming change.

SECTION 4. Amends Section 63.121(c), Agriculture Code, to provides that a stop-sale order expires at the end of the 30th, rather than 10th, day following the day on which it was affixed unless, prior to that time, the service has instituted proceedings under Section 63.122 of this code to condemn the fertilizer.

SECTION 5. Makes application of Sections 63.072 and 63.073, Agriculture Code, as amended by this Act, prospective.

SECTION 6. Effective date: September 1, 2003.