

By: Swinford

H.B. No. 2558

A BILL TO BE ENTITLED

AN ACT

relating to certain reporting requirements and orders relating to commercial fertilizer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 63.072, Agriculture Code, is amended to read as follows:

Sec. 63.072. [~~QUARTERLY~~] TONNAGE REPORT AND INSPECTION FEE PAYMENT. (a) The person responsible for paying a fertilizer [~~the~~] inspection fee shall file with the service a [~~quarterly~~] sworn report either stating that no tonnage of commercial fertilizer was distributed during the preceding reporting period [~~quarter~~] or setting forth the tonnage of all the [~~each~~] commercial fertilizer that the person manufactured or distributed in this state during the preceding reporting period. The person shall file the report:

(1) quarterly if the total amount of inspection fees in a year is \$100 or more; or

(2) annually if the total amount of inspection fees in a year is less than \$100 [~~quarter~~].

(b) Each [~~quarterly~~] tonnage report must be accompanied by payment of the inspection fee due based on the tonnage reported for that quarter or year, as applicable.

(c) [~~(b)~~] A [~~quarterly~~] tonnage report and inspection fee payment is due:

(1) on or before the 31st day following the last day of

1 November, February, May, and August, for persons reporting  
2 quarterly; and

3 (2) on or before the 31st day following the last day of  
4 August, for persons reporting annually.

5 (d) [~~e~~] The service may prescribe and furnish forms as  
6 necessary under this section [~~quarterly tonnage report shall be~~  
7 made on forms prescribed and furnished by the service].

8 SECTION 2. Section 63.073, Agriculture Code, is amended to  
9 read as follows:

10 Sec. 63.073. PENALTY FOR LATE FILING OR PAYMENT. (a) If a  
11 person does not file a [~~quarterly~~] report or pay the inspection fee  
12 as required by Section 63.072 [~~before the 31st day following the~~  
13 last day of a quarter], the registrant shall pay a penalty equal to  
14 15 percent of the inspection fee due or \$50, whichever is greater.

15 (b) A penalty, together with the delinquent inspection fee,  
16 is due before the 61st [~~41st~~] day following the last day of the [~~a~~]  
17 quarter, for quarterly reports, or of August, for annual reports.  
18 The service shall cancel the registration of a registrant who fails  
19 to pay the penalty and delinquent inspection fee within that time  
20 period.

21 SECTION 3. Section 63.074(a), Agriculture Code, is amended  
22 to read as follows:

23 (a) For the purpose of determining the accurate tonnage of  
24 commercial fertilizers distributed in this state or identifying or  
25 verifying [~~quarterly~~] tonnage reports, the service may require each  
26 registrant to maintain records or file additional reports.

27 SECTION 4. Section 63.121(c), Agriculture Code, is amended

1 to read as follows:

2 (c) A stop-sale order expires at the end of the 30th [~~10th~~]  
3 day following the day on which it was affixed unless, prior to that  
4 time, the service has instituted proceedings under Section 63.122  
5 of this code to condemn the fertilizer.

6 SECTION 5. Sections 63.072 and 63.073, Agriculture Code, as  
7 amended by this Act, apply only to a tonnage fee report or  
8 inspection fee payment due for a fiscal year beginning on or after  
9 September 1, 2003.

10 SECTION 6. This Act takes effect September 1, 2003.