

1-1 By: Swinford (Senate Sponsor - Duncan) H.B. No. 2558
1-2 (In the Senate - Received from the House April 28, 2003;
1-3 May 1, 2003, read first time and referred to Subcommittee on
1-4 Agriculture; May 7, 2003, reported to Committee on Natural
1-5 Resources; May 16, 2003, reported favorably by the following vote:
1-6 Yeas 8, Nays 0, 1 present not voting; May 16, 2003, sent to
1-7 printer.)

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain reporting requirements and orders relating to
1-11 commercial fertilizer.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 63.072, Agriculture Code, is amended to
1-14 read as follows:

1-15 Sec. 63.072. [~~QUARTERLY~~] TONNAGE REPORT AND INSPECTION FEE
1-16 PAYMENT. (a) The person responsible for paying a fertilizer [~~the~~]
1-17 inspection fee shall file with the service a [~~quarterly~~] sworn
1-18 report either stating that no tonnage of commercial fertilizer was
1-19 distributed during the preceding reporting period [~~quarter~~] or
1-20 setting forth the tonnage of all the [~~each~~] commercial fertilizer
1-21 that the person manufactured or distributed in this state during
1-22 the preceding reporting period. The person shall file the report:

1-23 (1) quarterly if the total amount of inspection fees
1-24 in a year is \$100 or more; or

1-25 (2) annually if the total amount of inspection fees in
1-26 a year is less than \$100 [~~quarter~~].

1-27 (b) Each [~~quarterly~~] tonnage report must be accompanied by
1-28 payment of the inspection fee due based on the tonnage reported for
1-29 that quarter or year, as applicable.

1-30 (c) [~~(b)~~] A [~~quarterly~~] tonnage report and inspection fee
1-31 payment is due:

1-32 (1) on or before the 31st day following the last day of
1-33 November, February, May, and August, for persons reporting
1-34 quarterly; and

1-35 (2) on or before the 31st day following the last day of
1-36 August, for persons reporting annually.

1-37 (d) [~~(c)~~] The service may prescribe and furnish forms as
1-38 necessary under this section [~~quarterly tonnage report shall be~~
1-39 made on forms prescribed and furnished by the service].

1-40 SECTION 2. Section 63.073, Agriculture Code, is amended to
1-41 read as follows:

1-42 Sec. 63.073. PENALTY FOR LATE FILING OR PAYMENT. (a) If a
1-43 person does not file a [~~quarterly~~] report or pay the inspection fee
1-44 as required by Section 63.072 [~~before the 31st day following the~~
1-45 last day of a quarter], the registrant shall pay a penalty equal to
1-46 15 percent of the inspection fee due or \$50, whichever is greater.

1-47 (b) A penalty, together with the delinquent inspection fee,
1-48 is due before the 61st [~~41st~~] day following the last day of the [~~a~~]
1-49 quarter, for quarterly reports, or of August, for annual reports.
1-50 The service shall cancel the registration of a registrant who fails
1-51 to pay the penalty and delinquent inspection fee within that time
1-52 period.

1-53 SECTION 3. Section 63.074(a), Agriculture Code, is amended
1-54 to read as follows:

1-55 (a) For the purpose of determining the accurate tonnage of
1-56 commercial fertilizers distributed in this state or identifying or
1-57 verifying [~~quarterly~~] tonnage reports, the service may require each
1-58 registrant to maintain records or file additional reports.

1-59 SECTION 4. Section 63.121(c), Agriculture Code, is amended
1-60 to read as follows:

1-61 (c) A stop-sale order expires at the end of the 30th [~~10th~~]
1-62 day following the day on which it was affixed unless, prior to that
1-63 time, the service has instituted proceedings under Section 63.122
1-64 of this code to condemn the fertilizer.

2-1 SECTION 5. Sections 63.072 and 63.073, Agriculture Code, as
2-2 amended by this Act, apply only to a tonnage fee report or
2-3 inspection fee payment due for a fiscal year beginning on or after
2-4 September 1, 2003.

2-5 SECTION 6. This Act takes effect September 1, 2003.

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