

By: Senator(s) Hudson

To: Agriculture

SENATE BILL NO. 2383

1 AN ACT TO AMEND SECTION 75-47-11, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE ANNUAL REPORTING OF NET TONS OF FERTILIZER DISTRIBUTED
3 IN THE STATE AND PAYMENT OF INSPECTION FEES; TO AMEND SECTION
4 75-47-13, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 75-47-11, Mississippi Code of 1972, is
8 amended as follows:

9 75-47-11. (1) There shall be paid to the commissioner for
10 all commercial fertilizers distributed in this state an inspection
11 fee at the rate of Twenty-five Cents (25¢) per ton, provided that
12 sales to manufacturers or exchanges between them are hereby
13 exempted. Fees so collected shall be used for the payment of the
14 costs, by act of the Legislature, of inspection, sampling and
15 analysis, and other expenses necessary for the administration of
16 this chapter. On individual packages of commercial fertilizer
17 containing ten (10) pounds or less, there shall be paid in lieu of
18 the annual registration fee of Ten Dollars (\$10.00) per brand and
19 grade and the Twenty-five Cent (25¢) per ton inspection fee, an



20 annual registration fee and inspection fee of Fifty Dollars
21 (\$50.00) for each brand and grade sold or distributed. Where a
22 person sells commercial fertilizer in packages of ten (10) pounds
23 or less and in packages over ten (10) pounds, this annual
24 registration and inspection fee of Fifty Dollars (\$50.00) shall
25 apply only to that portion sold in packages of ten (10) pounds or
26 less, and that portion sold in packages over ten (10) pounds shall
27 be subject to the same inspection fee of Twenty-five Cents (25¢)
28 per ton as provided in this chapter.

29 (2) Every registrant or guarantor who distributes a
30 commercial fertilizer in this state shall file with the
31 commissioner, on forms furnished by the commissioner, * * * an
32 annual statement, setting forth the number of net tons of each
33 commercial fertilizer distributed in this state during * * * the
34 previous year. The report shall be due on or before the thirtieth
35 day of the month following the close of each quarter. Upon such
36 statement the registrant shall pay the inspection fee at the rate
37 stated in * * * subsection (1) of this section.

38 If the tonnage report is not filed and the payment of
39 inspection fee is not made within thirty (30) days after the end
40 of the * * * reporting year, a collection fee amounting to ten
41 percent (10%) of the amount, but in no case less than Ten Dollars
42 (\$10.00), shall be assessed against the registrant, and the amount
43 of fees due shall constitute a debt and become the basis of a
44 judgment against the registrant.



45 (3) When more than one person is involved in the
46 distribution of a commercial fertilizer, the last person who has
47 the fertilizer registered and who distributes to a nonregistrant,
48 dealer or consumer, is responsible for reporting the tonnage and
49 paying the inspection fee.

50 **SECTION 2.** Section 75-47-13, Mississippi Code of 1972, is
51 amended as follows:

52 75-47-13. All fertilizer registrants transacting,
53 distributing or selling commercial fertilizer to a nonregistrant
54 shall file with the commissioner * * * an annual report showing
55 the county code of the consignee, each grade of commercial
56 fertilizer, the amounts in tons, the Uniform Fertilizer Tonnage
57 Reporting System (UFTRS) code, the form in which the fertilizer
58 was distributed (bag, bulk or liquid) and the use (farm or
59 non-farm). This report of tonnage sold shall be reported by one
60 (1) of the following methods:

61 (a) Submitting a summary report on forms furnished by
62 the commissioner; or

63 (b) Submitting an electronic disk format or text file
64 acceptable to the UFTRS. Each reporting method shall be due * * *
65 as set forth in Section 75-47-11(2). No information furnished to
66 the commissioner under this section shall be disclosed in such a
67 way as to divulge the methods of operation of any registrant.

68 **SECTION 3.** This act shall take effect and be in force from
69 and after July 1, 2017.

