

By: Representative Pigott

To: Agriculture

HOUSE BILL NO. 666

1 AN ACT TO AMEND SECTION 69-24-13, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE TIME DURING WHICH DISTRIBUTORS OF SOIL OR PLANT
3 AMENDMENTS MUST SUBMIT STATEMENTS ON NET TONNAGE DISTRIBUTED IN
4 THE STATE TO THE COMMISSIONER OF AGRICULTURE AND COMMERCE FROM A
5 QUARTERLY BASIS TO AN ANNUAL BASIS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 69-24-13, Mississippi Code of 1972, is
8 amended as follows:

9 69-24-13. (1) There shall be paid to the commissioner for
10 all soil or plant amendments distributed in this state an
11 inspection fee of Thirty-five Cents (\$.35) per ton * * *.
12 However, * * * products sold in packages of ten (10) pounds or
13 less or one (1) gallon or less, shall be subject to an annual
14 inspection fee of Fifty Dollars (\$50.00) in lieu of the
15 Thirty-five Cents (\$.35) per ton fee. * * * The annual inspection
16 fee shall be paid upon date of registration.

17 (2) Every person who distributes a soil or plant amendment
18 in the state shall file with the commissioner, on forms furnished
19 by * * * the commissioner, an annual statement setting forth the



20 number of net tons of each soil or plant amendment distributed in
21 the state during * * * the previous year. The report shall be due
22 within thirty (30) days following * * * the end of the reporting
23 year. Such statement shall be accompanied by a payment of the
24 inspection fee at the rate of Thirty-five Cents (\$.35) per ton,
25 except as specified in subsection (1) of this section.

26 (3) When more than one (1) distributor is involved in the
27 distribution of a soil or plant amendment product, the last
28 registrant who distributes to a non-registrant (dealer or
29 consumer) is responsible for reporting the tonnage and paying the
30 inspection fees unless the reporting and paying of fees has been
31 made by a prior distributor of the soil or plant amendment
32 product. If the report is not filed or is filed falsely, or the
33 inspection fee is not paid within thirty (30) days following * * *
34 the end of the reporting year, the commissioner and State Chemist
35 may revoke the registration of * * * those products and a penalty
36 of Ten Dollars (\$10.00) per day for each subsequent day shall be
37 assessed against the registrant. The inspection fee and the
38 penalty shall constitute a debt and become the basis for a
39 judgment against * * * the registrant, which may be collected by
40 the commissioner and in any court of competent jurisdiction
41 without prior demand.

42 (4) The report required by this section shall not be a
43 public record, and it shall be a misdemeanor for any person to
44 divulge any information given in * * * the report which would



45 reveal the business operations of a person or registrant making
46 the report * * *. However, * * * nothing contained in this
47 subsection shall be construed to prevent or make unlawful the use
48 of information concerning the business operation of any registrant
49 in any action, suit, or proceeding instituted under this chapter,
50 including any civil action for collection of unpaid inspection
51 fees, which action is hereby authorized and which shall be as an
52 action at law in the name of the commissioner.

53 (5) All fees paid to the commissioner for registration,
54 inspection, or penalties for product deficiencies shall be
55 deposited into the general fund account of the State of
56 Mississippi.

57 **SECTION 2.** This act shall take effect and be in force from
58 and after July 1, 2018.

