



# Senate Bill 655

Revisions to the Missouri Fertilizer Law



# Fertilizer Control Board

## Composition of the Board

- Thirteen Total Members
- Five Members from Fertilizer Manufacturers or Five Distributors
- Five Members Actively Engaged in Business of Farming
- Three At-Large Members



# Fertilizer Control Board

## Nominations to Board and Appointment

- Non-Profit Corporation to Promote Fertilizer Industry Shall Nominate Fertilizer Manufacturers or Distributors
- Missouri Non-Profit Organizations that Represent Farmers Shall Nominate Persons Engaged in Business of Farming
- Nominations Submitted to Director; Director Makes Appointments



# Fertilizer Control Board

## Nominations to Board and Appointment

- Three At-Large Members Selected by Director with Approval of a Majority of Other Ten Members of Fertilizer Control Board  
Nominations Submitted to Director; Director Makes Appointments



# Fertilizer Control Board

## Duties and Responsibilities

- Meet at Least Twice Yearly
- Review and Approve Income Received and Expenditures Made
- Adopt, Amend and Promulgate Rules and Regulations
- Revoke or Suspend a Permit, or Refuse to Issue a Permit to any Distributor who has Knowingly Violated the Missouri Fertilizer Law





# Fertilizer Control Board

## Duties and Responsibilities

- Determine Method and Amount of Fees to be Assessed
- Secure access to a laboratory with necessary equipment, and employees as may be necessary,
- Pursue Nutrient Research, Educational, and Outreach Programs
- General Supervision of the Administration and Enforcement of Missouri Fertilizer Law



# Fertilizer Control Board

## Duties and Responsibilities

- Institute and Prosecute through the Attorney General of Suits to Collect Fees due under the Missouri Fertilizer Law



# Fertilizer Control Board

## Powers of Authorized Agents of Fertilizer Control Board

- Determine Compliance, Collect Samples, Inspect, and Analyze Fertilizer Sold, Offered and Exposed for Sale Within State
- Inspect and Audit Books of Every Distributor who Sells, Offers for Sale, or Exposes for Sale Fertilizer for Consumption or Use Within State





# Fertilizer Control Board

## Powers of Authorized Agents of Fertilizer Control Board

- Require Every Distributor to File Documentation as Prescribed by Rules
- Enter Premises, During Regular Business Hours, to Take Samples and Inspect Fertilizer
- Issue and Enforce Written or Printed "Stop-Sale, Use, or Removal" Orders



# Fertilizer Control Board

## Powers of Authorized Agents of Fertilizer Control Board

- Publish Yearly a Detailed Report Giving Names and Addresses of All Distributors Registered Under Missouri Fertilizer Law, Including Analytical Results of all Samples Collected, and a Statement of All Fees and Penalties Received and Expenditures Made
- Establish Market Value of Fertilizer and Fertilizer Materials for Determining Amount of Damages Due When Analysis Shows Excessive Deficiency



# Fertilizer Control Board

## Powers of Authorized Agents of Fertilizer Control Board

- Retain, Employ, Provide for and Compensate Consultants, Assistants, and Other Employees on Full or Part-Time Basis and Contract for Goods and Services



# Fertilizer Control Board

## Election of Officers, Terms and Residency

- Filling of Vacancies, Selection of Officers, Conduct of Meetings, and all other Matters Shall be Outlined in Bylaws Established by Fertilizer Control Board.
- Terms Not to Exceed Three Years; Except Members First Appointed
- Members Must Be Residents of Missouri





# Fertilizer Control Board

## Election of Officers, Terms and Residency

- No Member may Serve More Than Two Consecutive Terms, But May be Reappointed After He or She Has Not Been a Member of the Board for a Period of at Least Three Years
- Members Shall be Reimbursed for Reasonable Expenses Incurred in Performance of Official Duties in Accordance with Bylaws





# Fertilizer Control Board

## Members First Appointed to Board

- Two Members Employed as Fertilizer Manufacturers and Distributors, Two Members Engaged in Business of Farming and One At Large Member Shall Serve Terms of Three Years
- Two Members Employed as Fertilizer Manufacturers or Distributors, Two Members Engaged in Business of Farming, and One At Large Member Shall Serve Terms of Two Years



# Fertilizer Control Board

## Members First Appointed to Board

- Remaining Three Members Shall Serve Terms of One Year



# Fertilizer Control Board

## Penalties

- Total Penalties Assessed upon a Distributor Shall not Exceed \$5,000 per Calendar Year or the Amount of the Current Value of Plant Food Deficiency
- Distributor Who Knowingly Violates Shall Be Assessed Penalty of Not More than \$25,000 for Each Offense



# Fertilizer Control Board

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- Distributor Who Knowingly Violates Shall Be Assessed Penalty of Not More than \$25,000 for Each Offense



# Fertilizer Control Board

## Penalties

- If Preliminary Analysis shows a Fertilizer has Potential Plant Food Deficiency, Distributor Shall Be Provided Preliminary Notification Within Two Business Days by Telephone or Email in Addition to Notification Letter Delivered by Mail. Once Analysis is Certified, a Written Certification of Penalties Assessed Shall be Mailed to Distributor.





# Fertilizer Control Board

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# Fertilizer Control Board

## Initial Tasks of Board

- Election of At Large Members
- Drafting Bylaws
- Election of Officers
- Establishing RFP Process
- Amendment of Rules, Proposed Rules and Final Rules



# Fertilizer Control Board

## Questions – Counsel for Board

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