

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

AMEND Senate Bill No. 773\*

House Bill No. 681

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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by adding the following as new Sections 9, 10 and 11, and by redesignating Section 9 accordingly:

SECTION 9. Tennessee Code Annotated, Section 44-6-103(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) "Commercial feed" means all materials except unmixed seed, whole and unprocessed, when not adulterated within the meaning of this chapter, which are offered for sale as feed or mixing for feed; provided, that the commissioner by regulation may exempt from this definition, or from specific provisions of this chapter, commodities such as hay, straw, stover, silage, cobs, husks, hulls and individual compounds or substances, when such commodities, compounds or substances are not intermixed or mixed with other materials, and are not adulterated within the meaning of this chapter;

SECTION 10. Tennessee Code Annotated, Section 44-6-103(5), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(5) "Customer-formula feed" means commercial feed which consists of a mixture of two (2) or more commercial feeds or a mixture of one (1) or more commercial feeds and one (1) or more feed ingredients or a mixture of two (2) or more feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser;

SECTION 11. Tennessee Code Annotated, Section 44-6-103, is amended by adding the following language as a new, appropriately designated subdivision:

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( ) "Commercial feed facility" or "licensed commercial feed facility" means a facility which manufactures or distributes commercial feed in this state and which is subject to licensure pursuant to this chapter;

AND FURTHER AMEND by deleting Section 7 of the printed bill in its entirety and by substituting instead the following language:

SECTION 7. Tennessee Code Annotated, Section 44-6-109, is amended by deleting subdivisions (a), (b) and (c) in their entirety, and by substituting instead the following:

(a) An inspection fee at the rate of ten cents (10¢) per ton shall be paid on commercial feed manufactured in excess of five hundred (500) tons per licensed commercial feed facility per calendar year and distributed in this state; provided, however, such inspection fees shall be applied against the annual license fee imposed by § 44-6-104 and no additional inspection fees shall be paid until the inspection fees imposed on a licensed commercial feed facility exceed the amount of such annual license fee. Such inspection fee shall be paid by the commercial feed facility that distributes the commercial feed to the consumer, subject to the following:

1) No fee shall be paid on a commercial feed if the payment has been made by a previous distributor;

(2) No fee shall be paid on customer-formula feeds if the inspection fee is paid on the commercial feeds which are used as ingredients therein;

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(3) No fee shall be paid on commercial feeds which are used as ingredients for the manufacture of commercial feeds which are registered. If the fee has already been paid, credit shall be given for such payment; and

(4) No fee shall be paid by contract feeders;

(b) All licenses shall be conditioned on the applicant agreeing to keep such records as may be necessary to indicate accurately the tonnage and kinds of commercial feeding stuffs sold, and as are satisfactory to the commissioner, and granting the commissioner, or the commissioner's duly authorized representative, permission to examine such records and verify the statement of tonnage. Failure to make an accurate statement of tonnage or to pay the inspection fee or to otherwise comply as provided herein shall constitute sufficient cause for the cancellation of the license.

(c) The report shall be under oath, on forms furnished by the commissioner, and the reports shall be filed with the department of agriculture. The report of tonnage and inspection fee shall be due and payable semiannually, on the last day of January and July, covering the tonnage of commercial feeding stuffs sold during the preceding six (6) months based on a calendar year. If the report is not filed and the inspection fee paid by the tenth day following the due date, or if the report is false, the commissioner shall revoke the license, and if the inspection fee is unpaid after the ten-day grace period, the amount due shall bear a penalty of ten percent (10%) which shall be added to the inspection fee due and shall constitute a debt and become the basis of judgment against

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**Senate Commerce, Labor & Agriculture Committee Amendment No. 1**

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the securities or bonds hereinafter referred to provided, that no license shall be revoked until the licensee has first been given an opportunity to be heard before the commissioner in order to pay the fees required under this chapter.

AND FURTHER AMEND in Section 2 of the printed bill by adding the following language between the first and second sentences of the amendatory language of § 44-6-104(b):

Such license fee shall be applied to any inspection fees imposed pursuant to § 44-6-109.

AND FURTHER AMEND by deleting from the directory language of Section 5 of the printed bill the language "subdivision (E)" and by substituting instead the language "subdivision (D)".

AND FURTHER AMEND in Section 5 by deleting from the amendatory language of § 44-6-107(1)(G) the word "and" at the end of such subdivision.

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