

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 464

Short Title: Seed Fees Revised.

(Public)

Sponsors: Representatives Thompson, James; and Mercer.

Referred to: Finance.

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE FEES PAYABLE BY SEED GROWERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-277.28 reads as rewritten:

"§ 106-277.28. Fees for tags, stamps and licenses. License and inspection fees.

For the purpose of providing a fund to defray the expense of inspection, examination, ~~analyses and analysis~~ of seeds and ~~the enforcement of the provisions of the~~ this Article:

(1) ~~Each seed dealer or grower selling, offering or exposing for sale in this State any agricultural or vegetable seeds for seeding purposes shall purchase from the Commissioner for two cents (2¢) each, official North Carolina seed analysis tags or stamps and shall attach a tag (or stamp on the seedman's label) to each container holding 10 pounds or more of seed; provided, however, that a seed dealer or grower who sells only seed lots originated by his company may request to pay these applicable fees through the reporting system prescribed in subdivision (3) hereof; provided, further, that this subdivision shall not apply to the sale of seed by a farmer who sells only seed grown on his farm and when such sales are confined to his farm.~~

(2) Each seed dealer selling, distributing, offering, or exposing for sale in, or exporting from, this State any agricultural, vegetable, or lawn or turf seeds for seeding purposes shall register with the Commissioner and shall obtain an annual license, for each location where activities are

1 conducted, by January 1 of each year and shall pay for such license as
2 follows:

- 3 a. Wholesale or combined wholesale and retail
4 seed dealer \$100.00
5 b. Retail seed dealer with sales of no more
6 than \$500.00 5.00
7 c. Retail seed dealer with sales of more than \$500.00
8 but no more than \$1,000 15.00
9 d. Retail seed dealer with sales of more than
10 \$1,000 25.00.

- 11 (3) ~~A seed~~ Each seed dealer or grower ~~who sells only seed lots originated by~~
12 ~~his company may request of the Commissioner of Agriculture authority to~~
13 ~~selling, offering, or exposing for sale in this State any seed originated~~
14 ~~or labeled by the dealer's or grower's company shall report the quantity~~
15 ~~of seed sold and to pay the fees pay an inspection fee of two cents (2¢)~~
16 ~~for each applicable under G.S. 106-277.28(1) in lieu of attaching an official~~
17 ~~North Carolina tag or stamp to each container of seeds weighing 10~~
18 ~~pounds or more.~~

19 ~~Upon granting authority, the Commissioner of Agriculture~~ The
20 Commissioner shall require each seed dealer or grower to keep such
21 records as may be necessary to indicate accurately the quantity of
22 seeds and container weights sold from each distribution point in the
23 State. Such records shall be available to the Commissioner or his duly
24 authorized representative at any and all reasonable hours for the
25 purpose of making such examination as is necessary to verify the
26 quantity of seed sold and the fees paid. Each seed dealer or grower
27 shall report quarterly on forms furnished by the Commissioner the
28 quantity and container weight of seeds sold. The reports shall be made
29 on the first day of January, April, July, and October, or within 10 days
30 thereafter, and the inspection fee shall be due and payable with the
31 report. If the report is not filed and the inspection fee paid to the
32 Department of Agriculture by the tenth day following the date due, or
33 if the report of the quantity or container weights be false, the
34 Commissioner may ~~revoke the authority to use the reporting system.~~ issue
35 a stop-sale order for all seed offered for sale by the dealer or grower. If
36 the inspection fee is unpaid more than 15 days after the due date, the
37 amount due shall bear a penalty of ten percent (10%) which shall be
38 added to the inspection fee due and the Commissioner shall have
39 authority to deduct said amount due and penalty from the cash,
40 securities or bond which has been deposited with the Department of
41 Agriculture.

42 In order to guarantee faithful performance with the provisions of
43 this section, each seed dealer or grower, before being granted a permit
44 to use the reporting system, shall deposit with the Commissioner cash

1 in the amount of five hundred dollars (\$500.00) or securities
2 acceptable to the Commissioner of a value of at least five hundred
3 dollars (\$500.00) or shall post with the Commissioner a surety bond in
4 like amount, executed by some corporate surety company authorized
5 to do business in North Carolina."

6 Sec. 2. This act becomes effective July 1, 1992.