

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 649
Second Edition Engrossed 5/8/95
House Committee Substitute Favorable 5/23/95

Short Title: Sweet Potato Assessments.

(Public)

Sponsors:

Referred to:

April 11, 1995

A BILL TO BE ENTITLED

AN ACT CONCERNING SWEET POTATOES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-550 reads as rewritten:

"§ 106-550. Policy as to promotion of use of, and markets for, farm products.

It is declared to be in the interest of the public welfare that the North Carolina farmers who are producers of livestock, poultry, field crops and other agricultural products, including cattle, sheep, broilers, turkeys, commercial eggs, peanuts, cotton, potatoes, sweet potatoes, peaches, apples, berries, vegetables and other fruits of all kinds, as well as bulbs and flowers and other agricultural products having a domestic or foreign market, shall be permitted and encouraged to act jointly and in cooperation with growers, handlers, dealers and processors of such products in promoting and stimulating, by advertising and other methods, the increased production, use and sale, domestic and foreign, of any and all of such agricultural commodities. The provisions of this Article, however, shall not include the agricultural products of tobacco, strawberries, strawberry plants, or porcine animals, with respect to which separate provisions have been made."

Sec. 2. Article 50 of Chapter 106 of the General Statutes is amended by adding a new section to read:

"§ 106-564.4. Alternative method for collection of assessments relating to sweet potatoes.

1 (a) In the event the producers of sweet potatoes approve an assessment pursuant
2 to G.S. 106-564, which assessment shall be paid by the producer based on the number
3 of acres produced, the producer shall report the number of acres planted and shall remit
4 the assessment due to the Commissioner of Agriculture. Sweet potato producers shall
5 report acreage planted at a time and place determined by the duly certified agency
6 representing the producers of sweet potatoes.

7 (b) Assessments shall be due on September 1 of each year. Any producer who
8 fails to pay assessments by September 30 of each year shall also pay a penalty of ten
9 percent (10%) of the unpaid assessment, plus a penalty of one percent (1%) of the
10 unpaid assessment for each month the assessment remains unpaid. The Commissioner
11 of Agriculture shall remit all assessments received to the duly certified agency
12 representing the producers of sweet potatoes. The duly certified agency representing
13 the producers of sweet potatoes may conduct inspections and audits of sweet potato
14 producers in order to verify the number of acres of sweet potatoes planted and may
15 bring an action to recover unpaid assessments and penalties and the reasonable costs of
16 such action, including attorneys' fees.

17 (c) There shall be no refund of assessments collected pursuant to this section.

18 (d) For the purposes of this section, 'producer' shall be defined as a grower of one
19 acre or more of sweet potatoes."

20 Sec. 3. Chapter 145 of the General Statutes is amended by adding the
21 following section to read:

22 "**§ 145-17. State vegetable.**

23 The sweet potato is adopted as the official vegetable of the State of North Carolina."

24 Sec. 4. This act is effective upon ratification. Sections 1 and 2 apply to
25 sweet potatoes harvested on or after January 1, 1995.