

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1170

Short Title: Turf Research and Education Funds.

(Public)

Sponsors: Representative Redwine.

Referred to: Finance.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO LEVY A USER FEE OF ONE CENT PER POUND OF GRASS SEED, WITH THE NET PROCEEDS TO BE USED FOR GRASS TURF RESEARCH AND EDUCATION PROGRAMS.

The General Assembly of North Carolina enacts:

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

"§ 106-277.28. License and inspection fees.

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

(1) Repealed by Session Laws 1991, c. 588.

(2) Each seed dealer who offers for sale 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 conducted, by January 1 of each year and shall pay the following license fee:

a. Wholesale or combined wholesale and retail seed dealer \$100.00

b. Retail seed dealer with sales of no more than \$500.00 5.00

c. Retail seed dealer with sales of more than \$500.00 but no more than \$1,000 15.00

d. Retail seed dealer with sales of more than \$1,000 25.00.

1 (3) Each seed dealer or grower who has seed, whether originated or
2 labeled by the dealer or grower, that is offered for sale in this State
3 shall report the quantity of seed sold and pay an inspection fee of two
4 cents (2¢) for each container of seeds weighing 10 pounds or more.
5 This fee does not apply to seed grown by a farmer and offered for sale
6 by the farmer at the farm where the seed was grown.

7 Each seed dealer or grower shall keep accurate records of the
8 quantity of seeds and container weights sold from each distribution
9 point in the State. These records shall be available to the
10 Commissioner or an authorized representative of the Commissioner at
11 any and all reasonable hours for the purpose of verifying the quantity
12 of seed sold and the fees paid. Each seed dealer or grower shall report
13 quarterly on forms furnished by the Commissioner the quantity and
14 container weight of seeds sold. The reports shall be made on the first
15 day of January, April, July, and October, or within 10 days thereafter,
16 and the inspection fee shall be due and payable with the report. If the
17 report is not filed and the inspection fee paid to the Department of
18 Agriculture by the tenth day following the date due, or if the report of
19 the quantity or container weights is false, the Commissioner may issue
20 a stop-sale order for all seed offered for sale by the dealer or grower.
21 If the inspection fee is unpaid more than 15 days after the due date, the
22 amount due shall bear a penalty of ten percent (10%) which shall be
23 added to the inspection fee due.

24 (b) The fee assessed under this section is for the purpose of implementing the
25 Turfgrass/Forage Research and Education Revenue Act, Article 31C of this Chapter.

26 Each seed dealer or grower who has seed, whether originated or labeled by the
27 dealer or grower, that is offered for sale in this State shall report the quantity of seed
28 sold and pay a fee of one cent (1¢) per pound or greater fraction thereof. This fee does
29 not apply to seed grown by a farmer and offered for sale by the farmer at the farm where
30 the seed was grown. The provisions of subsection (a)(3) of this section as to records,
31 reports, payment of the fee, stop-sale orders, and penalties, apply to the fee under this
32 subsection."

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

35 **"ARTICLE 31C.**

36 **"TURFGRASS RESEARCH AND EDUCATION.**

37 **"§ 106-284.51. Title.**

38 This Article shall be known as the Turfgrass/Forage Research and Education
39 Revenue Act.

40 **"§ 106-284.52. Findings and purpose.**

41 The General Assembly hereby finds that there are over 2,000,000 acres of
42 maintained turfgrass and 118,000,000 acres of forage in North Carolina; that the
43 turfgrass management and forage and grassland industries make an important
44 contribution to the State's economy; that the turfgrass enhances the beauty, value, and

1 enjoyment of our homes, churches, schools, roadsides, and recreation areas; forage
2 grasses make a significant input to the State's agriculture; and that it is appropriate for
3 the State to provide a means whereby turfgrass users and forage producers may as a part
4 of their livelihood generate revenues in order to provide funds for turfgrass and forage
5 improvement research and education.

6 **"§ 106-284.53. Definitions.**

7 As used in this Article:

8 (1) 'Department' means the Department of Agriculture.

9 (2) 'Forage and Grasslands Council' means the North Carolina Forage and
10 Grasslands Council of the North Carolina Cattleman's Association,
11 Inc., a North Carolina nonprofit corporation.

12 (3) 'Turfgrass' means grass grown for any purpose including, but not
13 limited to, recreational, esthetic, or conservation purposes, and
14 including forage grasses.

15 (4) 'Turfgrass Council' means the Turfgrass Council of North Carolina,
16 Inc., a North Carolina nonprofit corporation.

17 **"§ 106-284.54. Collection.**

18 (a) The Department of Agriculture shall provide notice of the user fee levied
19 under G.S. 106-277.28(b) to all seed dealers and seed growers who report seed sales
20 pursuant to G.S. 106-277.28(b).

21 (b) The Department may bring an action against any seed dealer or grower who
22 fails to pay the fee to collect it, and if successful shall also recover the cost of such
23 action, including attorneys' fees.

24 **"§ 106-284.55. Use of funds.**

25 Funds received by the Department pursuant to this Article shall not be deemed State
26 funds, but shall be promptly remitted to the Turfgrass Council. The Turfgrass Council
27 shall enter into an agreement with the Forage and Grasslands Council to share a portion
28 for the assessment at a mutually agreeable rate, to be evaluated annually.

29 The Turfgrass Council and the Forage and Grasslands Council shall use such funds
30 for research and education related to improving the usefulness of turfgrass, including
31 such administrative expenses as may be reasonably necessary to carry out this function.

32 **"§ 106-284.56. Retention of expenses.**

33 Before remitting any fees the Department shall retain funds sufficient to cover its
34 costs of collection and auditing."

35 Sec. 3. This act becomes effective July 1, 1993.