

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1009\*

Short Title: Funds for Agriculture Research.

(Public)

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Sponsors: Representatives Hill, Brown, Mitchell; Yongue, and Bonner.

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Referred to: Agriculture.

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April 13, 1999

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FUNDS FOR AGRICULTURAL RESEARCH BY  
2 INCREASING THE ASSESSMENT ON FERTILIZER, COMMERCIAL FEED, OR  
3 THEIR INGREDIENTS.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 106-568.2 reads as rewritten:

7 "**§ 106-568.2. Policy as to referendum and assessment.**

8 It is declared to be in the public interest and highly advantageous to the economic  
9 development of the State that farmers, producers, and growers of agricultural  
10 commodities using commercial feed and/or fertilizers or their ingredients be permitted by  
11 referendum held among themselves to levy upon themselves an assessment of ~~ten cents~~  
12 ~~(10¢)~~ fifteen cents (15¢) per ton on mixed fertilizers, commercial feed, and their  
13 ingredients (except lime and land plaster) to provide funds through the Agricultural  
14 Foundation to supplement the established program of agricultural research and  
15 dissemination of research facts.

16 It is further declared to be in the public interest and highly advantageous to the  
17 economic development of the State that tobacco producers be permitted by referendum to  
18 levy upon themselves an assessment not to exceed ten cents (10¢) per hundred pounds of  
19 tobacco marketed to provide funds through the North Carolina Tobacco Research  
20 Commission for research and dissemination of research facts concerning tobacco."

1 Section 2. G.S. 106-568.8(a) reads as rewritten:

2 "(a) Fertilizer and feed assessments. In the event two-thirds or more of the eligible  
3 farmers and producers participating in said referendum vote in favor of such assessment,  
4 then said assessment shall be collected for a period of six years under rules, regulations,  
5 and methods as provided for in this Article. The assessments shall be added to the  
6 wholesale purchase price of each ton of fertilizer, commercial feed, and/or their  
7 ingredients (except lime and land plaster) by the manufacturer of said fertilizer and feed.  
8 The assessment so collected shall be paid by the manufacturer into the hands of the North  
9 Carolina Commissioner of Agriculture on the same tonnage and at the same time and in  
10 the same manner as prescribed for the reporting of the inspection tax on commercial  
11 feeds and fertilizers as prescribed by G.S. 106-284.40 and 106-671. The Commissioner  
12 shall then remit ~~said ten cents (10¢) per ton~~ the assessment for the total tonnage as reported  
13 by all manufacturers of commercial feeds, fertilizers, and their ingredients to the treasurer  
14 of the North Carolina Agricultural Foundation, Inc., who shall disburse such funds for the  
15 purposes herein enumerated and not inconsistent with provisions contained in the charter  
16 and bylaws of the North Carolina Agricultural Foundation, Inc. Signed copies of the  
17 receipts for such remittances made by the Commissioner to the treasurer of the North  
18 Carolina Agricultural Foundation, Inc., shall be furnished the Commissioner of  
19 Agriculture, the North Carolina Farm Bureau Federation, and the North Carolina State  
20 Grange. The treasurer of the North Carolina Agricultural Foundation, Inc., shall make an  
21 annual report at each annual meeting of the Foundation directors of total receipts and  
22 disbursements for the year and shall file a copy of said report with the Commissioner of  
23 Agriculture and shall make available a copy of said report for publication.

24 It shall be the duty of the Commissioner of Agriculture to audit and check the  
25 remittances of ~~ten cents (10¢) per ton~~ the assessment by the manufacturer to the  
26 Commissioner in the same manner and at the same time as audits and checks are made of  
27 remittances of the inspection tax on commercial feeds and fertilizers.

28 Any commercial feed excluded from the payment of the inspection fee required by  
29 G.S. 106-284.40 shall nevertheless be subject to the assessment provided for by this  
30 Article and to quarterly tonnage reports to the Department of Agriculture and Consumer  
31 Services as provided for in G.S. 106-284.40(c)."

32 Section 3. This act is effective when it becomes law; however, the increased  
33 assessment of five cents (5¢) per ton under G.S. 106-568.2, as amended by Section 1 of  
34 this act, shall not be levied nor collected before January 1, 2001.