

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

1

SENATE BILL 507

Short Title: Delete Seed/Fertilizer Bond.

(Public)

Sponsors: Senators Speed; Ballance, Basnight, Conder, Daniel, Martin of Guilford, Parnell, Perdue, Raynor, Sands, Shaw, Soles, Staton, and Warren.

Referred to: Agriculture, Marine Resources and Wildlife.

April 9, 1991

A BILL TO BE ENTITLED

AN ACT TO DELETE BOND REQUIREMENTS FOR SEED DEALERS AND
FERTILIZER MANUFACTURERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-277.28(3) reads as rewritten:

"(3) A seed dealer or grower who sells only seed lots originated by his company may request of the Commissioner of Agriculture authority to report the quantity of seed sold and to pay the fees applicable under G.S. 106-277.28(1) in lieu of attaching an official North Carolina tag or stamp to each container of seeds weighing 10 pounds or more.

Upon granting authority, the Commissioner of Agriculture shall require each seed dealer or grower to keep such records as may be necessary to indicate accurately the quantity of seeds and container weights sold from each distribution point in the State. Such records shall be available to the Commissioner or his duly authorized representative at any and all reasonable hours for the purpose of making such examination as is necessary to verify the quantity of seed sold and the fees paid. Each seed dealer or grower shall report quarterly on forms furnished by the Commissioner the quantity and container weight of seeds sold. The reports shall be made on the first day of January, April, July, and October, or within 10 days thereafter, and the inspection fee shall be due and payable with the report. If the report is not filed and the inspection fee paid to the Department of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Agriculture by the tenth day following the date due, or if the report of
2 the quantity or container weights be false, the Commissioner may
3 revoke the authority to use the reporting system. If the inspection fee is
4 unpaid more than 15 days after the due date, the amount due shall bear
5 a penalty of ten percent (10%) which shall be added to the inspection
6 fee due and the Commissioner shall have authority to deduct said amount
7 due and penalty from the cash, securities or bond which has been deposited
8 with the Department of Agriculture. due.

9 ~~In order to guarantee faithful performance with the provisions of~~
10 ~~this section, each seed dealer or grower, before being granted a permit~~
11 ~~to use the reporting system, shall deposit with the Commissioner cash~~
12 ~~in the amount of five hundred dollars (\$500.00) or securities~~
13 ~~acceptable to the Commissioner of a value of at least five hundred~~
14 ~~dollars (\$500.00) or shall post with the Commissioner a surety bond in~~
15 ~~like amount, executed by some corporate surety company authorized~~
16 ~~to do business in North Carolina."~~

17 Sec. 2. G.S. 106-671(b) reads as rewritten:

18 "(b) Reporting System. – Each manufacturer, importer, jobber, firm, corporation
19 or person who distributes commercial fertilizers in this State shall make application to
20 the Commissioner for a permit to report the tonnage of commercial fertilizer sold and
21 shall pay to the North Carolina Department of Agriculture an inspection fee of twenty-
22 five cents (25¢) per ton. The Commissioner is authorized to require each such
23 distributor to keep such records as may be necessary to indicate accurately the tonnage
24 of commercial fertilizers sold in the State, and as are satisfactory to the Commissioner.
25 Such records shall be available to the Commissioner, or his duly authorized
26 representative, at any and all reasonable hours for the purpose of making such
27 examination as is necessary to verify the tonnage statement and the inspection fees paid.
28 Each registrant shall report monthly the tonnage sold to non-registrants on forms
29 furnished by the Commissioner. Such reports shall be made and inspection fees shall be
30 due and payable monthly on the fifteenth of each month covering the tonnage and kind
31 of commercial fertilizers sold during the past month. If the report is not filed and the
32 inspection fee paid by the last day of the month it is due, the amount due shall bear a
33 penalty of ten percent (10%), which shall be added to the inspection fee ~~due and shall~~
34 ~~constitute a debt and become the basis of judgment against the securities or bond which may be~~
35 ~~required. due.~~ If the report is not filed and the inspection fee paid within 60 days of the
36 date due, or if the report or tonnage be false, the Commissioner may revoke the permit.
37 ~~In order to guarantee faithful performance with the provisions of this subsection each~~
38 ~~manufacturer, importer, jobber, firm, corporation or person shall, before being granted a permit~~
39 ~~to use the reporting system, deposit with the Commissioner cash in the amount of one thousand~~
40 ~~dollars (\$1,000) or securities acceptable to the Commissioner of a value of at least one~~
41 ~~thousand dollars (\$1,000) or shall post with the Commissioner a surety bond in like amount,~~
42 ~~executed by some corporate surety company authorized to do business in North Carolina. The~~
43 ~~Commissioner shall approve all such securities and bonds before acceptance."~~

44 Sec. 3. This act becomes effective July 1, 1991.