

1 HB121
2 116937-2
3 By Representative Irons
4 RFD: Agriculture and Forestry
5 First Read: 12-JAN-10
6 PFD: 01/07/2010

1 ENGROSSED

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3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 Relating to various programs for assessments and
9 promotion of agricultural products; to amend Section 2-8-19,
10 Code of Alabama 1975, relating to the cattle industry; Section
11 2-8-59, Code of Alabama 1975, relating to the swine industry;
12 Section 2-8-99, Code of Alabama 1975, relating to the soybean
13 industry; Section 2-8-166, Code of Alabama 1975; relating to
14 eggs and egg products; Section 2-8-207, Code of Alabama 1975,
15 relating to cotton and cotton products; Section 2-8-248, Code
16 of Alabama 1975, relating to the grain industry; Section
17 2-8-288, Code of Alabama 1975, relating to the catfish
18 industry; Section 2-8-323, Code of Alabama 1975, relating to
19 sheep and goats; and Section 2-8-363, relating to the shrimp
20 and seafood industry; to further provide for the time period
21 of audits relating to the programs and for financial
22 statements to be forwarded to the State Board of Agriculture
23 and Industries.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 2-8-19, 2-8-59, 2-8-99, 2-8-166,
2 2-8-207, 2-8-248, 2-8-288, 2-8-323, and 2-8-363, Code of
3 Alabama 1975, are amended to read as follows:

4 "§2-8-19.

5 "The approved and certified association receiving
6 and disbursing funds as authorized in this article shall,
7 ~~within 60 days following the end of each calendar year, or~~
8 ~~within a period of 60 days~~ following the close of its fiscal
9 year every two years, cause an audit of its books and accounts
10 for the two-year period to be conducted by a certified public
11 accountant, disclosing receipts, disbursements, expenditures
12 and other information pertinent related thereto, and a copy
13 thereof shall be forwarded to the State Board of Agriculture
14 and Industries for inspection and review. The Department of
15 Examiners of Public Accounts ~~of the State of Alabama shall be~~
16 ~~authorized to~~ may audit, review, and otherwise investigate the
17 receipts and disbursements of ~~such~~ the funds in the same
18 manner that ~~such~~ those duties are performed for examination
19 and audits of agencies and departments of the ~~State of Alabama~~
20 state. An examination or audit required by this section ~~to be~~
21 ~~made~~ and submitted to the State Board of Agriculture and
22 Industries shall be open to public inspection. Within 90 days
23 following the close of a certified association's fiscal year,
24 if it has received any funds from assessments levied and
25 collected pursuant to this article, ~~such~~ the association shall
26 publish forward a copy of a duly verified financial statement

1 ~~in the publication of the certified association to the state~~
2 ~~board~~ showing the amount ~~so~~ received and collected and the
3 amount ~~or amounts~~ spent for each project and item. The
4 statement shall be available for public inspection.

5 "§2-8-59.

6 "The approved and certified association receiving
7 and disbursing funds as authorized in this article shall,
8 ~~within 60 days following the end of each calendar year, or~~
9 ~~within a period of 60 days~~ following the close of its fiscal
10 year every two years, cause an audit of its books and accounts
11 for the two-year period to be conducted by a certified public
12 accountant, disclosing receipts, disbursements, expenditures
13 and other information pertinent related thereto, and a copy
14 thereof shall be forwarded to the State Board of Agriculture
15 and Industries for inspection and review. The Department of
16 Examiners of Public Accounts ~~of the State of Alabama shall be~~
17 ~~authorized to~~ may audit, review, and otherwise investigate the
18 receipts and disbursements of ~~such~~ the funds in the same
19 manner that ~~such~~ those duties are performed for examination
20 and audits of agencies and departments of the ~~State of Alabama~~
21 state. An examination or audit required by this section ~~to be~~
22 ~~made~~ and submitted to the State Board of Agriculture and
23 Industries shall be open to public inspection. Within 90 days
24 following the close of a certified association's fiscal year,
25 if it has received any funds from assessments levied and
26 collected pursuant to this article, ~~such~~ the association shall

1 ~~publish forward a copy of a duly verified financial statement~~
2 ~~in the publication of the certified association to the state~~
3 ~~board~~ showing the amount ~~so~~ received and collected and the
4 amount ~~or amounts~~ spent for each project and item. The
5 statement shall be available for public inspection.

6 "§2-8-99.

7 "The approved and certified association receiving
8 and disbursing funds as authorized in this article shall,
9 ~~within 60 days following the end of each calendar year or~~
10 ~~within a period of 60 days~~ following the close of its fiscal
11 year every two years, cause an audit of its books and accounts
12 for the two-year period to be conducted by a certified public
13 accountant, disclosing receipts, disbursements, expenditures
14 and other information pertinent related thereto, and a copy
15 thereof shall be forwarded to the State Board of Agriculture
16 and Industries for inspection and review. The Department of
17 Examiners of Public Accounts ~~of the State of Alabama shall be~~
18 ~~authorized to~~ may audit, review, and otherwise investigate the
19 receipts and disbursements of ~~such~~ the funds in the same
20 manner that ~~such~~ those duties are performed for examination
21 and audits of agencies and departments of the ~~State of Alabama~~
22 state. An examination or audit as required by this section ~~to~~
23 ~~be made~~ and submitted to the State Board of Agriculture and
24 Industries shall be open to public inspection. Within 90 days
25 following the close of a certified association's fiscal year,
26 if it has received any funds from assessments levied and

1 collected pursuant to this article, ~~such the~~ association shall
2 ~~publish forward a copy of a duly verified financial~~ statement
3 ~~in the publication of the certified association to the state~~
4 ~~board~~ showing the amount ~~so~~ received and collected and the
5 amount ~~or amounts~~ spent for each project and item. The
6 statement shall be available for public inspection.

7 "§2-8-166.

8 "The approved and certified association receiving
9 and disbursing funds as authorized in this article shall,
10 ~~within 60 days following the end of each calendar year or~~
11 ~~within a period of 60 days~~ following the close of its fiscal
12 year every two years, cause an audit of its books and accounts
13 to be conducted by a certified public accountant, disclosing
14 receipts, disbursements, expenditures and other information
15 ~~pertinent~~ related thereto, and a copy thereof shall be
16 forwarded to the State Board of Agriculture and Industries for
17 inspection and review. The Department of Examiners of Public
18 ~~Accounts of the State of Alabama shall be authorized to~~ may
19 audit, review, and otherwise investigate the receipts and
20 disbursements of ~~such the~~ funds in the same manner that ~~such~~
21 those duties are performed for examination and audits of
22 agencies and departments of the ~~State of Alabama~~ state. An
23 examination or audit as required by this section ~~to be made~~
24 and submitted to the State Board of Agriculture and Industries
25 shall be open to public inspection. Within 90 days following
26 the close of a certified association's fiscal year, if it has

1 received any funds from assessments levied and collected
2 pursuant to this article, ~~such the~~ association shall ~~publish~~
3 ~~forward a copy of a duly verified financial statement in the~~
4 ~~publication of the certified association to the state board~~
5 showing the amount ~~so~~ received and collected and the amount ~~or~~
6 ~~amounts~~ spent for each project and item. The statement shall
7 be available for public inspection.

8 "§2-8-207.

9 "The approved and certified commission receiving and
10 disbursing funds as herein authorized shall ~~within 60 days~~
11 ~~following the end of each calendar year, or within a period of~~
12 ~~60 days~~ following the close of their fiscal year every two
13 years, cause an audit of their books and accounts for the
14 two-year period to be conducted by a certified public
15 accountant disclosing receipts, disbursements, expenditures
16 and other information pertinent related thereto, and a copy
17 thereof shall be forwarded to the State Board of Agriculture
18 and Industries for inspection and review. The examiner of
19 public accounts of the Department of Examiners of Public
20 ~~Accounts of the State of Alabama shall be authorized to~~ may
21 audit, review, and otherwise investigate the receipts and
22 disbursements of ~~such the~~ funds in the same manner that ~~such~~
23 those duties are performed for examination and audits of
24 agencies and departments of the ~~State of Alabama~~ state. An
25 examination or audit as herein required ~~to be made~~ and
26 submitted to the State Board of Agriculture and Industries

1 shall be open to public inspection. Within 90 days following
2 the close of the certified commission's fiscal year, if it has
3 received any funds from assessments levied and collected
4 pursuant to this article, ~~such the~~ commission shall ~~publish~~
5 forward a copy of a duly verified financial statement in the
6 publication of the certified commission to the state board
7 showing the amount ~~so~~ received and collected and the amount ~~or~~
8 ~~amounts~~ spent for each project and item. The statement shall
9 be available for public inspection.

10 "§2-8-248.

11 "The approved and certified association receiving
12 and disbursing funds as herein authorized shall ~~within 60 days~~
13 ~~following the end of each calendar year, or within a period of~~
14 ~~60 days~~ following the close of their fiscal year every two
15 years, cause an audit of their books and accounts for the
16 two-year period to be conducted by a certified public
17 accountant disclosing receipts, disbursements, expenditures
18 and other information ~~pertinent~~ related thereto and a copy
19 thereof shall be forwarded to the State Board of Agriculture
20 and Industries for inspection and review. The Examiner of
21 Public Accounts of the Department of Examiners of Public
22 ~~Accounts of the State of Alabama shall be authorized to~~ may
23 audit, review, and otherwise investigate the receipts and
24 disbursements of ~~such~~ funds in the same manner that ~~such~~ those
25 duties are performed for examination and audits of agencies
26 and departments of the ~~State of Alabama~~ state. An examination

1 or audit as herein required ~~to be made~~ and submitted to the
2 State Board of Agriculture and Industries shall be open to
3 public inspection. Within 90 days following the close of the
4 certified association's fiscal year, if it has received any
5 funds from assessments levied and collected pursuant to this
6 article, ~~such the~~ association shall ~~publish~~ forward a copy of
7 a duly verified financial statement in the publication of the
8 certified association to the state board showing the amount ~~so~~
9 received and collected and the amount ~~or amounts~~ spent for
10 each project and item. The statement shall be available for
11 public inspection.

12 "§2-8-288.

13 "The approved and certified association receiving
14 and disbursing funds as authorized in this article shall,
15 ~~within 60 days following the end of each calendar year, or~~
16 ~~within a period of 60 days~~ following the close of its fiscal
17 year every two years, cause an audit of its books and accounts
18 for the two-year period to be conducted by a certified public
19 accountant, disclosing receipts, disbursements, expenditures
20 and other information pertinent related thereto, and a copy
21 thereof shall be forwarded to the State Board of Agriculture
22 and Industries for inspection and review. The Department of
23 Examiners of Public Accounts ~~of the State of Alabama shall be~~
24 ~~authorized to~~ may audit, review, and otherwise investigate the
25 receipts and disbursements of ~~such the~~ funds in the same
26 manner that ~~such those~~ duties are performed for examination

1 and audits of agencies and departments of the ~~State of Alabama~~
2 state. An examination or audit required by this section ~~to be~~
3 ~~made~~ and submitted to the State Board of Agriculture and
4 Industries shall be open to public inspection. Within 90 days
5 following the close of a certified association's fiscal year,
6 if it has received any funds from assessments levied and
7 collected pursuant to this article, ~~such the~~ association shall
8 ~~publish forward a copy of a duly verified financial~~ statement
9 ~~in the publication of the certified association to the state~~
10 board showing the amount ~~so~~ received and collected and the
11 amount ~~or amounts~~ spent for each project and item. The
12 statement shall be available for public inspection.

13 "§2-8-323.

14 "A certified association receiving and disbursing
15 funds, ~~within 60 days following the end of each calendar year,~~
16 ~~or within a period of 60 days~~ following the close of its
17 fiscal year every two years, shall cause an audit of its books
18 and accounts for the two-year period to be conducted by a
19 certified public accountant, disclosing receipts,
20 disbursements, expenditures, and other pertinent related
21 information, and a copy of the auditor's report shall be
22 forwarded to the board for inspection and review. The
23 Department of Examiners of Public Accounts ~~shall~~ may audit,
24 review, and investigate the receipts and disbursements of the
25 funds in the same manner that those duties are performed for
26 examination and audits of agencies and departments of the

1 state. Any examination or audit required by this section shall
2 be open to public inspection. Within 90 days following the
3 close of a certified association's fiscal year, if it has
4 received any funds from assessments levied and collected
5 pursuant to this article, the association shall ~~publish~~
6 forward a copy of a verified financial statement in the
7 publications of the certified association to the state board
8 showing the amount received and collected and the ~~amounts~~
9 amount spent for each project and item. The statement shall be
10 available for public inspection.

11 "§2-8-363.

12 "A certified association receiving and disbursing
13 funds, ~~within 60 days following the end of each calendar year,~~
14 ~~or within a period of 60 days~~ following the close of its
15 fiscal year every two years, shall cause an audit of its books
16 and accounts for the two-year period to be conducted by a
17 certified public accountant, disclosing receipts,
18 disbursements, expenditures, and other ~~pertinent~~ related
19 information, and a copy of the auditor's report shall be
20 forwarded to the board for inspection and review. The
21 Department of Examiners of Public Accounts ~~shall~~ may audit,
22 review, and investigate the receipts and disbursements of the
23 funds in the same manner that those duties are performed for
24 the examination and audits of agencies and departments of the
25 state. Any examination or audit required by this section shall
26 be open to public inspection. Within 90 days following the

1 close of a certified association fiscal year, if it has
2 received any funds from assessments levied and collected
3 pursuant to this article, the association shall ~~publish~~
4 forward a copy of a verified financial statement in the
5 publications of the certified association to the state board
6 showing the amount received and collected and the ~~amounts~~
7 amount spent for each project and item. The statement shall be
8 available for public inspection."

9 Section 2. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Agriculture and
Forestry 12-JAN-10

Read for the second time and placed
on the calendar with 1 substitute
and 21-JAN-10

Read for the third time and passed
as amended 16-FEB-10

Yeas 95, Nays 0, Abstains 0

Greg Pappas
Clerk