

1 HB544
2 138669-3
3 By Representative Clouse
4 RFD: Ways and Means General Fund
5 First Read: 14-MAR-12

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ENROLLED, An Act,

Relating to the sale and distribution for sale of seed; to provide an inspection fee; to add Section 2-26-15 to the Code of Alabama 1975; to provide for the distribution of the fee; to require filing of reports with the Department of Agriculture and Industries; and to authorize the commission to suspend a seed permit or see other remedies for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 2-26-15 is added to the Code of Alabama 1975, to read as follows:

§ 2-26-15.

(a) The Board of Agriculture and Industries may adopt seed inspection fees. The department shall administer the inspection fees, prescribe and furnish forms, and require the filing of reports necessary for the payment of the inspection fees. The department may inspect the record of any person who sells or distributes seed for sale during the normal hours of business operation as it deems necessary.

(b) All fees collected under this section shall be deposited into the Agricultural Fund in the State Treasury. The commissioner may expend revenue raised by this section for the support of the Alabama State Seed Laboratory.

(c) Every person who sells or distributes seed for sale, whether in bulk or in containers, within the state or

1 into the state for planting purposes, shall be assessed a seed
2 inspection fee as established by the board.

3 (d) Every person who sells or distributes seed for
4 sale shall do all of the following:

5 (1) Pay an inspection fee on the total number of
6 pounds of seed sold within or into the state. Payment of the
7 seed inspection fees shall be the responsibility of the person
8 initiating the first sale of seed within or into the state.

9 (2) Maintain records, as required by the department,
10 that accurately reflect the total pounds of seed subject to
11 the fees that are handled, sold or offered for sale, or
12 distributed for sale.

13 (3) File quarterly ~~notarized~~ reports on forms
14 provided or approved by the department, covering the total
15 pounds of all sales of seed subject to the fee and sold during
16 the preceding quarter. The reports and fees due shall be filed
17 with the department no later than 30 days following the end of
18 each calendar quarter.

19 (d) A person who sells or distributes seed for sale
20 who does not file the quarterly report by the due date shall
21 pay a penalty fee as provided by the regulations of the
22 department. The penalty fee shall be waived if the seedsman
23 obtains prior written approval from the department for a late
24 filing and complies with the late filing requirements.

1 (e) The commissioner may suspend the permit or seek
2 any remedy provided in Section 2-26-13, against any person
3 subject to this section.

4 Section 2. The Board of Agriculture and Industries
5 shall review the fee schedule and administration of the seed
6 inspection fee program and shall make recommendations for its
7 renewal or renewal with revisions by the board meeting date
8 immediately prior to the convening of the regular session of
9 the Legislature in the fourth year of the quadrennium. Any
10 change in the fee schedule or the administration of the seed
11 inspection program shall be adopted by rule pursuant to the
12 Alabama Administrative Procedure Act.

13 Section 3. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 10-APR-12, as amended.

Greg Pappas
Clerk

Senate

08-MAY-12

Amended and Passed

House

09-MAY-12

Concurred in Sen-
ate Amendment