

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

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8 SYNOPSIS: Under existing law, the Commissioner of the  
9 Department of Agriculture and Industries may  
10 inspect seeds transported, sold, or offered for  
11 sale in the state. Under existing law, the  
12 commissioner may also establish procedures for seed  
13 testing and sampling.

14 This bill would authorize the department to  
15 administer seed inspection fees established by the  
16 Board of Agriculture and Industries. This bill  
17 would establish record keeping requirements for all  
18 persons who sell or distribute for sale seeds. This  
19 bill would provide for the deposit of the fees in  
20 the Agriculture Fund. This bill would authorize the  
21 department to suspend the permit of any person for  
22 violations.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
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1           Relating to the sale and distribution for sale of  
2   seed; to provide an inspection fee; to add Section 2-26-15 to  
3   the Code of Alabama 1975; to provide for the distribution of  
4   the fee; to require filing of reports with the Department of  
5   Agriculture and Industries; and to authorize the commission to  
6   suspend a seed permit or see other remedies for violations.

7   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10          § 2-26-15.

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

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

22          (c) Every person who sells or distributes seed for  
23   sale, whether in bulk or in containers, within the state or  
24   into the state for planting purposes, shall be assessed a seed  
25   inspection fee as established by the board.

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

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

5           (2) Maintain records, as required by the department,  
6 that accurately reflect the total pounds of seed subject to  
7 the fees that are handled, sold or offered for sale, or  
8 distributed for sale.

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

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

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

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