

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.

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24 A BILL

25 TO BE ENTITLED

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

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

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

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

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

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

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

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