

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

ENGROSSED

A BILL

TO BE ENTITLED

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.

1 The commissioner may expend revenue raised by this section for
2 the support of the Alabama State Seed Laboratory.

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

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

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

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

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

23 (d) A person who sells or distributes seed for sale
24 who does not file the quarterly report by the due date shall
25 pay a penalty fee as provided by the regulations of the
26 department. The penalty fee shall be waived if the seedsman

1 obtains prior written approval from the department for a late
2 filing and complies with the late filing requirements.

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

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

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House of Representatives

4 Read for the first time and re-
5 ferred to the House of Representa-
6 tives committee on Ways and Means
7 General Fund..... 14-MAR-12

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9 Read for the second time and placed
10 on the calendar 1 amendment 22-MAR-12

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12 Read for the third time and passed
13 as amended..... 10-APR-12

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Yea 88, Nays 6, Abstains 0

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Greg Pappas
Clerk