

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1380

Short Title: Strawberry Assessment Act.

(Public)

Sponsors: Senators Murphy and Soles.

Referred to: Agriculture.

May 24, 1990

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A BILL TO BE ENTITLED
AN ACT TO PROVIDE FOR A STRAWBERRY ASSESSMENT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 106 of the General Statutes is amended by adding a new Article to read:

“ARTICLE 65.
“STRAWBERRY ASSESSMENT ACT.

“§ 106-781. Title.

This Article shall be known as the ‘Strawberry Assessment Act.’

“§ 106-782. Findings and purpose.

The General Assembly hereby finds that strawberry production makes an important contribution to the State's economy; and that it is appropriate for the State to provide a means whereby strawberry producers may voluntarily assess themselves in order to provide funds for strawberry research and marketing.

“§ 106-783. Definitions.

As used in this Article:

(1) ‘Association’ means the North Carolina Strawberry Association.

(2) ‘Commercial production’ means the production of strawberries for sale.

(3) ‘Department’ means the North Carolina Department of Agriculture.

“§ 106-784. Referendum.

(a) At any time after the effective date of this Article, the Association may conduct a referendum among strawberry producers upon the question of whether an assessment shall be levied as provided for herein.

1 (b) The Association shall determine:

2 (1) The amount of the proposed assessment;

3 (2) The period for which the assessment shall be levied, not to exceed
4 three years;

5 (3) The time and place of the referendum;

6 (4) Procedures for conducting the referendum and counting of votes; and

7 (5) Any other matters pertaining to the referendum.

8 (c) The amount of the proposed assessment and the method of collection shall be
9 set forth on the ballot.

10 (d) All persons engaged in the commercial production of strawberries, including
11 owners of farms, tenants and sharecroppers shall be eligible to vote in the referendum.
12 Any questions concerning eligibility to vote shall be resolved by the Board of Directors
13 of the Association.

14 **"§ 106-785. Two-thirds vote required; collection of assessment.**

15 (a) The assessment shall not be collected unless at least two-thirds of the votes
16 cast in the referendum are in favor of the assessment. If at least two-thirds of the votes
17 cast in the referendum are in favor of the assessment, then the Department shall notify
18 all strawberry plant growers of the assessment. The assessment shall be added by plant
19 growers to the price of all strawberry plants sold for planting in North Carolina and
20 shall be remitted to the Department no later than the 10th day following the end of each
21 calendar quarter. The Department shall provide forms to plant growers for reporting the
22 assessment. Persons who purchase strawberry plants for commercial production on
23 which the assessment has not been collected by the seller shall report such purchases
24 and pay the assessment to the Department.

25 (b) The Association may bring an action against any plant grower who fails to
26 pay the assessment to collect unpaid assessments, and if successful shall also recover
27 the cost of such action, including attorney's fees.

28 **"§ 106-786. Use of funds; refunds.**

29 The Department shall remit all funds collected under this Article to the Association
30 at least monthly.

31 The Association shall use such funds for research and marketing related to
32 strawberries including such administrative expenses as may be reasonably necessary to
33 carry out this function. A funding committee composed of seven members of the
34 Association appointed by the Commissioner of Agriculture, shall approve all
35 expenditures of such funds. Funding committee members may be reimbursed for
36 necessary expenses as determined by the Association's Board of Directors.

37 Any person who has purchased strawberry plants upon which the assessment has
38 been paid shall have the right to receive a refund of the assessment by making demand
39 in writing to the Association within 30 days of purchase of the plants. Such demand
40 must be accompanied by proof of purchase satisfactory to the funding committee."

41 Sec. 2. There is appropriated from the General Fund to the Department of
42 Agriculture the sum of \$50,000 for fiscal year 1990-91 for a grant-in-aid to the
43 Strawberry Association to be used for strawberry marketing and research. This
44 appropriation shall continue for the 1991-92 and 1992-93 fiscal years as part of the

- 1 continuation budget of the Department of Agriculture. Unexpended funds from this
2 appropriation shall not revert, but may be used for the purposes stated herein.
3 Sec. 3. This act shall become effective July 1, 1990.