

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 636

Short Title: Horse Owners' Assessment Act.

(Public)

Sponsors: Senators Warren; Speed, Parnell, Sands, and Plexico.

Referred to: Agriculture, Marine Resources, and Wildlife.

April 15, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR A HORSE OWNERS' ASSESSMENT.

3 The General Assembly of North Carolina enacts:

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

6 **"ARTICLE 66.**

7 **"HORSE OWNERS' ASSESSMENT ACT.**

8 **"§ 106-790. Title.**

9 This Article shall be known as the 'Horse Owners' Assessment Act.'

10 **"§ 106-791. Findings and purpose.**

11 The General Assembly finds that horse ownership makes an important contribution
12 to the State's economy; and that it is appropriate for the State to provide a means
13 whereby horse owners may voluntarily assess themselves in order to provide funds for
14 horse research and marketing.

15 **"§ 106-792. Definitions.**

16 As used in this Article:

17 (1) 'Council' means the North Carolina Horse Council.

18 (2) 'Department' means the North Carolina Department of Agriculture.

19 **"§ 106-793. Referendum.**

20 (a) The Council may conduct a referendum among horse owners upon the
21 question of whether an assessment shall be levied as provided for herein.

22 (b) The Council shall determine:

23 (1) The amount of the proposed assessment;

- 1 (2) The period for which the assessment shall be levied, not to exceed
2 three years;
3 (3) The time and place of the referendum;
4 (4) Procedures for conducting the referendum and counting of votes; and
5 (5) Any other matters pertaining to the referendum.

6 (c) The amount of the proposed assessment and the method of collection shall be
7 set forth on the ballot; provided that no annual assessment shall exceed ten dollars
8 (\$10.00) per ton of horse feed.

9 (d) All horse owners shall be eligible to vote in the referendum. Any questions
10 concerning eligibility to vote shall be resolved by the Board of Directors of the Council.
11 **"§ 106-794. Majority vote required; collection of assessment.**

12 (a) The assessment shall not be collected unless a majority of the votes cast in the
13 referendum is in favor of the assessment. If a majority of the votes cast in the
14 referendum is in favor of the assessment, then the Department shall notify all horse feed
15 manufacturers and producers of the assessment. The assessment shall cover all
16 commercial horse feed subject to the provisions of G.S. 106-284.40(b) and the proceeds
17 of the assessment shall be remitted to the Department along with the proceeds of the
18 inspection fee imposed by G.S. 106-284.40. The Department shall provide forms for
19 reporting the assessment. Persons who purchase commercial feed for horses on which
20 the assessment has not been collected by the seller shall report such purchases and pay
21 the assessment to the Department.

22 (b) The Council may bring an action against any horse owner or feed
23 manufacturer who fails to pay the assessment to collect unpaid assessments, and if
24 successful shall also recover the cost of such action, including attorneys' fees.

25 **"§ 106-795. Use of funds; refunds.**

26 The Department shall remit all funds collected under this Article to the Council at
27 least quarterly.

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

34 Any person who has purchased commercial horse feed upon which the assessment
35 has been paid shall have the right to receive a refund of the assessment by making
36 demand in writing to the Council within 30 days of purchase of the feed. Such demand
37 must be accompanied by proof of purchase satisfactory to the funding committee."

38 Sec. 2. G.S. 106-550 reads as rewritten:

39 **"§ 106-550. Policy as to promotion of use of, and markets for, farm products.**

40 It is declared to be in the interest of the public welfare that the North Carolina
41 farmers who are producers of livestock, poultry, field crops and other agricultural
42 products, including cattle, swine, sheep, broilers, turkeys, commercial eggs, peanuts,
43 cotton, potatoes, peaches, apples, berries, vegetables and other fruits of all kinds, as well
44 as bulbs and flowers and other agricultural products having a domestic or foreign

1 market, shall be permitted and encouraged to act jointly and in cooperation with
2 growers, handlers, dealers and processors of such products in promoting and
3 stimulating, by advertising and other methods, the increased production, use and sale,
4 domestic and foreign, of any and all of such agricultural commodities. The provisions of
5 this Article, however, shall not include the agricultural products of tobacco,
6 strawberries, ~~or~~ strawberry plants, or horses, with respect to which separate provisions
7 have been made."

8 Sec. 3. This act is effective upon ratification.