

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 649
Second Edition Engrossed 5/8/95

Short Title: Sweet Potato Assessments.

(Public)

Sponsors: Senators Albertson, Kerr, Dannelly, Martin of Pitt, Speed, Warren, Parnell, and Soles.

Referred to: Agriculture/Environment/Natural Resources

April 11, 1995

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE SWEET POTATO ASSESSMENTS TO BE PAID BY
2 PRODUCERS OF SWEET POTATOES.
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4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 106-550 reads as rewritten:

6 "**§ 106-550. Policy as to promotion of use of, and markets for, farm products.**

7 It is declared to be in the interest of the public welfare that the North Carolina farmers
8 who are producers of livestock, poultry, field crops and other agricultural products,
9 including cattle, sheep, broilers, turkeys, commercial eggs, peanuts, cotton, potatoes,
10 sweet potatoes, peaches, apples, berries, vegetables and other fruits of all kinds, as well
11 as bulbs and flowers and other agricultural products having a domestic or foreign market,
12 shall be permitted and encouraged to act jointly and in cooperation with growers,
13 handlers, dealers and processors of such products in promoting and stimulating, by
14 advertising and other methods, the increased production, use and sale, domestic and
15 foreign, of any and all of such agricultural commodities. The provisions of this Article,
16 however, shall not include the agricultural products of tobacco, strawberries, strawberry
17 plants, or porcine animals, with respect to which separate provisions have been made."

1 Sec. 2. Article 50 of Chapter 106 of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 106-564.4. Alternative method for collection of assessments relating to sweet**
4 **potatoes.**

5 (a) In the event the producers of sweet potatoes approve an assessment pursuant to
6 G.S. 106-564, which assessment shall be paid by the producer based on the number of
7 acres produced, the producer shall report the number of acres planted and shall remit the
8 assessment due to the Commissioner of Agriculture. Sweet potato producers shall report
9 acreage planted at a time and place determined by the duly certified agency representing
10 the producers of sweet potatoes.

11 (b) Assessments shall be due on September 1 of each year. Any producer who
12 fails to pay assessments by September 30 of each year shall also pay a penalty of ten
13 percent (10%) of the unpaid assessment, plus a penalty of one percent (1%) of the unpaid
14 assessment for each month the assessment remains unpaid. The Commissioner of
15 Agriculture shall remit all assessments received to the duly certified agency representing
16 the producers of sweet potatoes. The duly certified agency representing the producers of
17 sweet potatoes may conduct inspections and audits of sweet potato producers in order to
18 verify the number of acres of sweet potatoes planted and may bring an action to recover
19 unpaid assessments and penalties and the reasonable costs of such action, including
20 attorneys' fees.

21 (c) There shall be no refund of assessments collected pursuant to this section.

22 (d) For the purposes of this section, 'producer' shall be defined as a grower of one
23 acre or more sweet potatoes."

24 Sec. 3. This act is effective upon ratification and applies to sweet potatoes
25 harvested on or after January 1, 1995.