

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1105*

Short Title: Turf Grade Fertilizer Assessment.

(Public)

Sponsors: Senators Plyler; Albertson, Ballantine, Dalton, Lee, Martin of Pitt, Odom, Perdue, Reeves, Rucho, and Weinstein.

Referred to: Finance.

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE A VOLUNTARY ASSESSMENT ON TURF GRADE
3 FERTILIZER AND TO PROVIDE FOR THE COLLECTION AND USES OF THIS
4 ASSESSMENT.

5 The General Assembly of North Carolina enacts:

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

8 **"ARTICLE 70.**

9 **"TURF GRADE FERTILIZER ASSESSMENT.**

10 **"§ 106-830. Findings and purpose.**

11 The General Assembly finds that turfgrass production makes an important
12 contribution to the State's economy and that it is appropriate for the State to provide a
13 means whereby turf grade fertilizer users may voluntarily assess themselves in order to
14 provide funds for turfgrass research and marketing.

15 **"§ 106-831. Definitions.**

16 As used in this Article:

17 (1) 'Council' means the Turfgrass Council of North Carolina, Inc.

18 (2) 'Department' means the Department of Agriculture and Consumer
19 Services.

1 (3) 'Turf grade fertilizer' means fertilizer used in turfgrass systems,
2 including home lawns, golf courses, commercial properties, and
3 roadsides.

4 **"§ 106-832. Collection of assessment; penalties; audits.**

5 (a) The Department shall notify all manufacturers of turf grade fertilizer of the
6 assessment under this section. Subject to subsection (c) of this section, an assessment in
7 the amount of five dollars (\$5.00) per ton shall be added to the price of all turf grade
8 fertilizer sold in North Carolina. The Department shall provide forms to the
9 manufacturers of turf grade fertilizer for reporting the assessment. All manufacturers of
10 turf grade fertilizer shall provide each purchaser of turf grade fertilizer with an invoice
11 that sets forth the amount of the assessment on the purchase covered by the invoice.
12 Persons who purchase turf grade fertilizer on which the assessment has not been collected
13 by the manufacturer shall report these purchases and pay the assessment to the
14 Department.

15 (b) Subject to subsection (c) of this section, each manufacturer of turf grade
16 fertilizer shall remit to the Department no later than the tenth day following the end of
17 each calendar quarter the assessment on turf grade fertilizer sold during that quarter. Any
18 manufacturer of turf grade fertilizer who fails to remit the assessment for the previous
19 year's sales by January 10 shall pay a penalty of five percent (5%) of the unpaid
20 assessment plus a penalty of one percent (1%) of the unpaid assessment for each month
21 after January 10 that the assessment remains unpaid.

22 (c) When the Department has received five hundred thousand dollars (\$500,000)
23 in assessments under this section in any given year, the assessment shall be suspended
24 until January 1 of the next calendar year; the Department shall notify the manufacturers
25 of turf grade fertilizer of the suspension; and the assessment shall be resumed January 1
26 of that next calendar year if the unencumbered assessments total less than five hundred
27 thousand dollars (\$500,000) on January 1 of that next calendar year.

28 (d) At the request of the Department, the Council shall conduct inspections or
29 audits of the books of any manufacturer of turf grade fertilizer. If the inspection or audit
30 reveals that a manufacturer of turf grade fertilizer has willfully failed to remit
31 assessments when due, the manufacturer of turf grade fertilizer shall pay the Council the
32 reasonable costs of the inspection or audit.

33 (e) The Council may bring an action to collect unpaid assessments, penalties, and
34 reasonable costs of any inspection or audit as provided in subsection (d) of this section,
35 against any manufacturer of turf grade fertilizer who fails to pay the assessment,
36 penalties, or costs. If successful, the Council shall also recover the cost of any action,
37 including attorneys' fees.

38 **"§ 106-833. Use of funds.**

39 (a) The Department shall remit all assessments collected under this Article, less
40 reasonable administrative costs, as follows:

41 (1) Seventy-five percent (75%) shall be credited to North Carolina State
42 University to be used for research concerning turfgrass production.

1 (2) Twenty-five percent (25%) shall be credited to the Council to be used
2 for marketing turfgrass.

3 (b) A funding committee is established to approve all expenditures of funds
4 collected pursuant to this Article. The funding committee shall consist of 10 members as
5 follows:

6 (1) Seven members shall be members of the Council and shall be appointed
7 by the Board of Directors of the Council.

8 (2) Three members shall be members of the faculty of the College of
9 Agriculture and Life Sciences at North Carolina State University, shall
10 be nominated by the Dean of that College, and shall be approved by the
11 Commissioner of Agriculture.

12 (c) The funding committee shall report October 1 of each year to the
13 Commissioner of Agriculture regarding the expenditure of funds it has approved.

14 (d) Funding committee members may be reimbursed for necessary expenses, as
15 determined by the Board of Directors of the Council.

16 **"§ 106-834. Refund of assessments collected.**

17 Any person who has purchased turf grade fertilizer upon which the assessment has
18 been paid has the right to receive a refund of the assessment by making demand in
19 writing to the Department within 30 days of purchase of the turf grade fertilizer. Such
20 demand must be accompanied by proof of purchase satisfactory to the funding
21 committee."

22 Section 2. The Department of Agriculture and Consumer Services may adopt
23 rules to implement this act.

24 Section 3. This act becomes effective October 1, 1999, and applies to turf
25 grade fertilizer sold on or after that date.