

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 702*

Short Title: Turfgrass/Forage Assessment.

(Public)

Sponsors: Senator Murphy.

Referred to: Agriculture, Marine Resources and Wildlife.

April 18, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A TURFGRASS/FORAGE RESEARCH 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 66.

“TURFGRASS/FORAGE RESEARCH ASSESSMENT ACT.

“§ 106-790. Title. This Article shall be known as the ‘Turfgrass/Forage Research Assessment Act.’

“§ 106-791. Findings and purpose. The General Assembly finds that there are over 2 million acres of maintained turfgrass and 1.8 million acres of forage in North Carolina; that the turfgrass maintenance and forage and grassland industries make an important contribution to the State's economy; that turfgrass enhances the beauty, value and enjoyment of our homes, churches, schools, roadsides and recreation areas; that forage grasses and legumes make a significant input to the State's agriculture; and that it is appropriate for the State to provide a means whereby turfgrass users and forage producers may voluntarily assess themselves in order to provide funds for turfgrass and forage improvement research.

“§ 106-792. Definitions. As used in this Article:

- (1) ‘Department’ means the Department of Agriculture.**

1 (2) 'Forage and Grasslands Council' means the North Carolina Forage and
2 Grasslands Council of the North Carolina Cattlemen's Association,
3 Inc., a North Carolina nonprofit corporation.

4 (3) 'Turfgrass' means grass grown for any purpose, including recreational,
5 esthetic or conservation purposes and including forage grasses and
6 forage legumes.

7 (4) 'Turfgrass Council' means the Turfgrass Council of North Carolina,
8 Inc., a North Carolina nonprofit corporation.

9 **"§ 106-793. Referendum.**

10 (a) The Boards of Directors of the Turfgrass Council and the Forage and
11 Grasslands Council may conduct a referendum among turfgrass owners and forage
12 producers upon the question of whether an assessment shall be levied as provided for
13 herein.

14 (b) The Boards of Directors of the Turfgrass Council and the Forage and
15 Grasslands Council shall determine:

16 (1) The amount of the proposed assessment;

17 (2) The period for which the assessment shall be levied, not to exceed six
18 year;

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

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

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

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

24 (d) All persons engaged in production or maintenance of turfgrass shall be
25 eligible to vote in the referendum. Any questions concerning eligibility to vote shall be
26 resolved by the Boards of Directors of the Turfgrass Council and the Forage and
27 Grasslands Council.

28 **"§ 106-794. Two-thirds vote required; collection of assessment.**

29 (a) The assessment shall not be collected unless at least two-thirds of the votes
30 cast in the referendum are in favor of the assessment. If at least two-thirds of the votes
31 cast in the referendum are in favor of the assessment, then the assessment shall be
32 collected on all turfgrass seed sold in this State. The Department of Agriculture shall
33 provide notice of the assessment to all seed dealers and growers who purchase seed tags
34 or stamps, or who report seed sales pursuant to G.S. 106-277.28. Such seed dealers and
35 growers shall report quarterly on forms furnished by the Department the quantity of
36 turfgrass seed sold in this State. The reports shall be filed at the same time and place as
37 the quarterly reports required under G.S. 106-277.28(3), and the assessment shall be due
38 and payable with the report. Seed dealers and growers may add the assessment to the
39 price of the seed. Persons who purchase turfgrass seed on which the assessment has not
40 been collected shall report such purchases and pay the assessment to the Department.

41 (b) The Turfgrass Council may bring an action against any seed dealer or grower
42 who fails to pay the assessment to collect unpaid assessments, and if successful shall
43 also recover the cost of such action, including attorneys' fees.

1 "§ 106-795. Use of funds; refunds. Funds received by the Department pursuant to
2 this Article shall not be deemed State funds, but shall be promptly
3 remitted to the Turfgrass Council. The Turfgrass Council shall enter
4 into an agreement with the Forage and Grasslands Council to share a
5 portion of the assessment at a mutually agreeable rate, to be evaluated
6 annually.

7 The Turfgrass Council and the Forage and Grasslands Council shall use the funds
8 for research and education related to improving the usefulness of turfgrass, including
9 any administrative expenses as may be reasonably necessary to carry out this function.

10 Any person who has purchased seed upon which the assessment was levied and paid
11 shall have the right to receive a refund of the assessment by making demand in writing
12 to the Council within 30 days of purchase of the seed. The demand must be
13 accompanied by proof of purchase satisfactory to the Council."

14 Sec. 2. This act becomes effective July 1, 1991.