

HOUSE BILL 1327

M4

3lr2950

By: **Delegate Otto**

Introduced and read first time: February 8, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Agricultural Commodity – Assessment – Collection**

3 FOR the purpose of repealing the requirement that a certain assessment on an
4 agricultural commodity be collected annually; repealing the requirement that a
5 certain assessment be deducted by a purchaser on and after the date specified
6 in a certain notification letter; requiring a purchaser to remit an assessment to
7 a certified agency as directed by the Secretary of Agriculture; authorizing a
8 certified agency to initiate judicial proceedings under certain circumstances;
9 authorizing a certain certified agency to inspect certain books and records;
10 making certain clarifying and conforming changes; making stylistic changes;
11 and generally relating to the collection of an assessment on an agricultural
12 commodity.

13 BY repealing and reenacting, with amendments,
14 Article – Agriculture
15 Section 10–108 and 10–111
16 Annotated Code of Maryland
17 (2007 Replacement Volume and 2012 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Agriculture**

21 10–108.

22 (a) (1) A proposed assessment on an agricultural commodity passes if a
23 majority of those persons qualifying as voters and voting in the area in which the
24 referendum is conducted vote in favor of the levying and collection of the proposed
25 assessment on the agricultural commodity.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) If a proposed assessment passes, the agency conducting the
2 referendum shall announce the assessment.

3 (b) The assessment shall be collected [pursuant]:

4 (1) **ACCORDING** to the method and rules and regulations adopted by
5 the certified agency conducting the referendum[.]; **AND**

6 (2) [It shall be collected annually for] **FOR** the number of years set
7 forth in the call for the referendum.

8 10–111.

9 (a) As an alternate method for the collection of assessments [provided for in]
10 **UNDER** § 10–110 of this subtitle, and upon the request of [the] A certified agency, the
11 Secretary shall notify, by registered letter, [every] **ANY** person engaged in the
12 business of purchasing any agricultural commodity in the State[,] that [on and after
13 the date specified in the letter,] the assessments shall be deducted by the purchaser,
14 or [his] **THE PURCHASER’S** agent or representative, from the purchase price of the
15 agricultural commodity.

16 (b) (1) [By June 1 of each year following the deduction, the] **THE**
17 deducted assessment shall be remitted by the purchaser [to the Secretary who shall
18 pay the amount of the assessments] to the certified agency **AS DIRECTED BY THE**
19 **SECRETARY**.

20 (2) **A CERTIFIED AGENCY MAY INITIATE JUDICIAL PROCEEDINGS**
21 **IN THE CIRCUIT COURT OF THE COUNTY WHERE THE AGRICULTURAL**
22 **COMMODITY WAS PURCHASED IF A PURCHASER FAILS TO REMIT THE DEDUCTED**
23 **ASSESSMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

24 (c) The books and records of [every] A purchaser of any agricultural
25 commodity shall be open for inspection by the Secretary **OR THE CERTIFIED AGENCY**
26 **THAT CONDUCTED THE REFERENDUM FOR THE AGRICULTURAL COMMODITY** at
27 any time during regular business hours.

28 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
29 October 1, 2013.