

Chapter 151

(House Bill 1327)

AN ACT concerning

Agricultural Commodity – Assessment – Collection

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

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 10–108 and 10–111

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

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

Article – Agriculture

10–108.

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

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

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

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

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

10-111.

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

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

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

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

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

Approved by the Governor, April 9, 2013.