

By-Laws of the North Carolina Crop Improvement Association, Inc.

Article I. – NAME AND PURPOSE

Section 1. Name – The name of the Association shall be known as the North Carolina Crop Improvement Association, Inc. The Association is a nonstock corporation, formed and operated under and by virtue of the laws of the State of North Carolina. The location of the principal office is at North Carolina State University, 3709 Hillsborough Street, Raleigh, North Carolina 27607.

Section 2. The purposes for which this Association is organized are:

- a. To assist in developing orderly, effective, and reliable methods of seed and plant increases of the best adapted crop varieties, strains or hybrids.
- b. To encourage the production and use of the best sources of seed and plant material of the best adapted varieties, strains or hybrids.
- c. To adopt necessary rules and regulations to permit proper production and distribution of high quality planting seed.
- d. To make an unbiased inspection service available to cooperating producers or buyers of high quality seed.

Article II. – MEMBERSHIP

Section 1. Membership Eligibility – Any person who now makes or desires to make seed growing a special branch of his farm operations is eligible for membership; also any other persons who are interested in promoting the work of the Association and who wish to receive the benefits that will come to members.

Section 2. Rules to Govern Members – All members agree to cooperate with the University and the State Department of Agriculture in the development, multiplication, distribution and certification of approved seed; and furthermore, all members agree to abide by the rules and regulations of the Association with reference to production, handling and marketing of Foundation, Registered and Certified seed produced by them as provided in the by-laws, standards, or by resolution of the Board of Directors of the Association made in conformity therewith.

- a. Failure to conform to the rules, regulations, standards or by-laws of the Association makes a member liable to expulsion; however, the association may consider a lesser penalty such as censorship, suspension of the Approved Condition/Alternative Labeler status, or suspension of membership for first offenses. Repeated failures to follow the association rules, regulations, standards, or by-laws will be brought before the Board of Directors for expulsion consideration when such recommendation is recommended by the staff.
- b. Any member who is convicted of a criminal charge growing out of a violation of any law relating to the production, labeling or sale of seed may be expelled from the Association.
- c. Any member who has been found liable in any civil action brought for misrepresentation or mislabeling of seed may be expelled from the Association.

- d. Whenever, in the opinion of the Directors, the conduct of any member is detrimental to the purposes for which this Association was organized, such member may be expelled from the Association. He may be expelled by a two-thirds vote of the Directors present at any meeting.
- e. Responsibility for keeping seed up to standards of the Association rests with the individual member/grower of the seed and adjustments, due to the failure of seed to conform to such standards, must be made by said grower.

Section 3. Voting Power of Members – Each member may be entitled to one vote.

Section 4. Membership Fees – Each member shall pay an annual membership fee of one hundred dollars (\$100.00).

Article III. – MEETINGS

Section 1. Regular Meetings – An annual meeting of the Association shall be held. An announcement, giving the exact time and place, shall be mailed to each member of the Association at least ten (10) days prior to the time of holding such meeting.

Article IV. – OFFICERS

Section I. The officers of the Association shall be a President, a Vice-President, a Secretary, a Treasurer and a Board of Directors. The President, Vice-President, Secretary and Treasurer shall be elected by the Board of Directors.

Article V. – THE PRESIDENT, VICE-PRESIDENT

Section 1. President – It shall be the duty of the President to:

- a. Preside over all meetings of members and directors.
- b. Call the Directors together whenever necessary.
- c. Discharge such other duties as may be required by these by-laws or by the Board of Directors.

Section 2. Vice-President – It shall be the duty of the Vice-President to:

- a. Preside in the absence of the President.
- b. Perform such other duties that may be required in the absence of the President.

Section 3. In the absence of the President and Vice-President, the Board of Directors shall appoint a Director to preside.

Article VI. – THE SECRETARY, TREASURER

Section 1. Secretary – It shall be the duty of the Secretary to:

- a. Act as Secretary of meetings of the Board of Directors and of the members and to keep a record of all proceedings in such meetings.
- b. To keep a proper membership record showing the name and address of each member of the Association.

- c. To discharge such other duties pertaining to the office as may be prescribed by the Board of Directors.

Section 2. Treasurer – It shall be the duty of the Treasurer to:

- a. Receive and deposit all funds of the Association in the name and to the credit of the Association in such depositories as may be designated by the Board of Directors. Disbursement of same shall be by approval of the Director in Charge.
- b. Keep a full and accurate account of all the financial transactions of the Association in books belonging to the Association and be custodian of all the securities of the Association.
- c. Present an annual financial statement to the Board of Directors in its regular session.
- d. Perform such other duties as may be required by the Association or the Board of Directors.

Article VII. – BOARD OF DIRECTORS

Section 1. Number – The Association in regular meeting shall elect a Board of Directors of eleven members.

Section 2. Election – Members of the Board of Directors shall be elected by the members of the Association from their own number. Members shall be chosen from each of six commodities and one seed representative. Four members will be at-large for a total of 11 board members.

Each director shall serve a three year term. None of the eleven directors shall succeed himself for more than two (2) consecutive terms.

Section 3. First Meeting – Immediately following the annual meeting and the election of new Directors there shall be held a meeting of the Directors. At this time, the officers shall be elected for a two-year term. The officers shall consist of a President, Vice-President, Secretary, Treasurer and such other officers as the Directors may deem necessary.

Section 4. Regular Meeting – Regular meeting of the Board of Directors shall be held preceding the regular Association meeting. The exact time shall be designated in the call sent out by the Secretary.

Section 5. Special Meeting – A special meeting of the Board of Directors may be called by the President or by a majority vote of the Directors. Each call for special meeting shall be in writing, signed by the person or persons making the request, addressed and delivered to the Secretary, and shall state the time, place and purpose of such meeting. A notice of each special meeting of the Directors shall be mailed to each Director at least six (6) days prior to the time of such meeting.

Section 6. Quorum – Six Directors shall constitute a quorum of the Board of Directors at all meetings. When only this number is present, however, it will be necessary to have a unanimous vote on all matters handled.

Section 7. Expenses – Expense of Directors, when called together for a special or regular meeting, shall be borne by the Association when funds are made available for same.

Article VIII. – PRIVILEGES OF DIRECTORS

Section 1. It shall be the privilege and duty of the Directors:

- a. To promote and direct the general activities of the Association. It is especially desirable that the Association members be made to realize that this Association is not being promoted for the profit of the few who produce seed for sale, so much as for mutual benefit of all farmers in the state. For this reason, it is especially important that special emphasis be placed upon the integrity of the grower. All should cooperate in establishing a strong organization.
- b. To act for the Association in detailed matters of business, and to handle any question which may arise between regular meetings of the Association.
- c. To aid in the formation of community or sectional clubs or seed associations for the development and distribution of purebred seed. The Directors shall present the views and ideas of such organizations to the Director in Charge of the State organization.
- d. To keep a complete record of its meetings, and to present a full statement at the regular meeting of the Association, showing in detail the affairs of the Association.

Article IX. – COMMITTEES

Section 1. Executive Committee – An Executive Committee shall consist of the President, Vice-President, immediate Past President and one other member appointed by the President from the Board of Directors. In addition to the specific duties of the Executive Committee as herein provided, the Executive Committee shall have the authority to conduct the business of the Association in conformity with the policies and directives established by the Board of Directors.

Section 2. Advisory Committee – An Advisory Committee shall be recommended by the North Carolina State University College of Agriculture and Life Sciences and approved by the Board of Directors. The Committee shall be composed of two plant breeders, one plant pathologist, one representative from the official variety testing program, one extension specialist and one from the Association staff.

The Advisory Committee shall review and evaluate the information presented by the plant breeder for varieties to be considered for certification and determine the variety's eligibility for certification and make recommendations to the Board of Directors for final action.

Section 3. Finance Committee – A Finance Committee shall be appointed annually by the President. The Committee shall review the Association audit and report on the financial status of the Association during the regular meeting of the membership. The

Finance Committee will recommend an Association budget to the Board of Directors for final action.

Section 4. Nominating Committee – The President shall appoint a Nominating Committee of three members from the Association membership. The Committee shall make nominations for purposes of the election of the Board of Directors.

Section 5. Other Committees – The President shall appoint standing and temporary committees as deemed advisable to assist in handling the affairs of the Association.

Article X. – AMENDMENTS OF THE BY-LAWS

Section 1. The By-Laws of the Association may be amended by a two-thirds vote of the members in regular session. The Directors shall have the power to act, however, until the members have an opportunity to take action.

Article XI. REVIEW OF NCCIA EXECUTIVE DIRECTOR

Section 1. Background

In order to ensure proper leadership for the organization and enhance the overall operation it is necessary to conduct regular reviews of the executive director. The objective should be to provide constructive feedback. The executive director will be reviewed no less than once every five years by the board.

Section 2. Executive Directors' Report

In preparation for the review, the executive director shall prepare a report on his role in the organization for the period of review. Mutual expectations / job description should be included in the report.

Section 3. Survey

An evaluation survey will be sent to every NCCIA member board member who served since the last evaluation of the director. Surveys will be sent by the office to board members. The President of the board will collect the surveys. Results of the survey will be reviewed in closed session by the board at its regularly scheduled meeting. The board shall seek input from the staff at that time by inviting them in to speak to the board during part of the closed session. Administration from N.C. State University (Crop Science Department Head and a representative from NC Agriculture Research Service) will be invited to sit in on the entire review. After the board confers, the executive director will be asked to hear the board's findings and recommendations.

Section 4. Results

If the result is that the executive director's performance meets expectations, the review is concluded. If the result is that the executive director's performance does not meet expectations, the board will prepare a written development plan that prescribes what the executive director must do to meet expectations in the following year(s). The plan will serve as the basis for the subsequent review

which will be scheduled in one year and subsequent years until the review shows expectations have been met.

An Act

To foster the development and production of purebred crop seed in North Carolina and provide for the certification thereof.

The General Statutes of North Carolina

Article 30, Chapter 106

Board of Crop Seed Improvement

§106-269. Creation and purpose. – There is hereby created a Board of Crop Seed Improvement. It shall be the duty and function of this Board, in cooperation with the Agricultural Experiment Station of North Carolina State College of Agriculture and Engineering, and the Seed Testing Division of the North Carolina Department of Agriculture, to foster and promote the development and distribution of pure strains of crop seeds among the farmers of North Carolina. (1929, c. 325, s. 1; 1955, c. 330, s. 1.)

Cross Reference. – For designation of North Carolina State College of Agriculture and Engineering as North Carolina State University at Raleigh, see §§ 116-2, 116-27.

Editor's Note. – Session Laws 1955, c. 276, s. 1, changed "Agricultural Experiment Station," as used in § 106-15, to read "Agricultural Research Station".

§ 106-270. Board membership. – The Board of Crop Seed Improvement shall consist of the Commissioner of Agriculture, the Dean of the School of Agriculture, President of the North Carolina Foundation Seed Producers Incorporated, and the Director of Research of the School of Agriculture of North Carolina State College of Agriculture and Engineering, the Head of the Seed Testing Division of the North Carolina Department of Agriculture, and the President of the North Carolina Crop Improvement Association. (1919, c. 325, s. 2; 1955, c. 330, s. 2.)

Cross Reference. – For designation of North Carolina State College of Agriculture and Engineering as North Carolina State University at Raleigh, see §§ 116-2, 116-27.

§ 106-271. Powers of Board. – The said Board shall have control, management and supervision of the production, distribution and certification of purebred crop seeds under the provision of this article. (1929, c. 325, s. 3.)

§ 106-272. Cooperation of other departments with Board; rules and regulations; fees for certification. – Insofar as any of the State departments or agencies shall have to do with the testing, development, production, certification and distribution of farm crop seeds, such departments or agencies shall actively cooperate with the said Board in carrying out the purposes of this article. The said Board shall have

authority to make, establish and promulgate all needful rules and regulations for certification necessary for the proper exercise of the duties conferred upon said Board and for carrying out the full purposes of this article. (1929, c. 325, s. 4; 1983, c. 800.)

§ 106-273. North Carolina Crop Improvement Association. – For the purpose of carrying out more fully the provisions of this article and of fostering the development, certification and distribution of pure seeds the said Board shall have authority to promote the organization and incorporation of an association of farmers to be known as the North Carolina Crop Improvement Association, which said Association when so organized and incorporated shall, subject to the rules and regulations prescribed by said Board, adopt all necessary rules and regulations and collect from their members such fees as shall be necessary for the proper functioning of such organizations. (1929, c. 325, s. 5.)

§ 106-274. Certification of crop seeds. – For the purposes of this article the certification of seed, tubers, plants or plant parts, hereunder shall be defined as being products, conditioned, and distributed under the rules and regulations for certification. (1929, c. 325, s. 6; 1983, c. 800.)

§ 106-275. False certification of purebred crop seeds made misdemeanor. – It shall be a misdemeanor, punishable by fine or imprisonment in the discretion of the court, for any person, firm, association, or corporation, selling seeds, tubers, plants, or plant parts in North Carolina, to use any evidence of certification, such as a blue tag or the word “certified” or both, on any package of seed, tubers, plants or plant parts, nor shall the word “certified” be used in any advertisement of seeds, tubers, plants, or plant parts, unless such commodities used for plant propagation shall have been duly inspected and certified by the agency of certification provided for in this article, or by a similar legally constituted agency of another state or foreign country. (1933, c. 340, s. 1.)

§ 106-276. Supervision of certification of crop seeds. – Certification of crop seeds shall be subject to the supervision of the Board of Crop Seed Improvement. The North Carolina Crop Improvement Association is recognized as the official agency for seed certification. (1929, c. 325, s. 7; 1955, c. 330, s. 3.)

§ 106-277.28 License and inspection fees. – For the purpose of providing a fund to defray the expense of inspection, examination, and analysis of seeds and the enforcement of this Article:

- (1) Repealed by Session Laws 1991, c. 588, s. 1.
- (2) Each seed dealer who offers for sale any agricultural, vegetable, or lawn or turf seeds for seeding purposes shall register with the Commissioner and shall obtain an annual license, for each location where activities are conducted, by January 1 of each year and shall pay the following license fee:

Wholesale or combined wholesale and retail seed dealer	\$100.00
Retail seed dealer with sales of no more than \$500	\$5.00
Retail seed dealer with sales of more than \$500; but no more than \$1000	\$15.00
Retail seed dealer with sales of more than \$1,000	\$25.00

- (3) Each seed dealer or grower who has seed, whether originated or labeled by the dealer or grower, that is offered for sale in this State shall report the quantity of seed offered sale and pay an inspection fee of four (4) cents for each container of seed weighing 10 pounds or more. Seed shall be subject to the inspection fee and reporting requirements only once in any twelve (12) month period. This fee does not apply to seed grown by a farmer and offered for sale by the farmer at the farm where the seed was grown. Each seed dealer or grower shall keep accurate records of the quantity of seeds and container weights offered for sale from each distribution point in the State. These records shall be available to the Commissioner or an authorized representative of the Commissioner at any and all reasonable hours for the purpose of verifying the quantity of seed offered for sale and the fees paid. Each seed dealer or grower shall report quarterly on forms furnished by the Commissioner the quantity and container weight of seeds first offered for sale that quarter. The reports shall be made on the first day of January, April, July, and October, or within ten (10) days thereafter. Inspection fees shall be due and paid with the next quarterly report filed after the seed is first offered for sale. If the report is not filed and the inspection fees paid to the Department of Agriculture by the tenth day following the date due, or if the report of the quantity or container weights is false, the Commissioner may issue a stop-sale order for all seed offered for sale by the dealer or grower. If the inspection fees are unpaid more than fifteen (15) days after the due date, the amount due shall bear a penalty of ten percent (10%) which shall be added to the inspection fees due.

This section was amended during the 1991 General Assembly and becomes effective July 1, 1992.