

By: Representative Ford

To: Agriculture

HOUSE BILL NO. 483

1 AN ACT TO REENACT SECTION 69-3-19, MISSISSIPPI CODE OF 1972,  
2 WHICH PROVIDES FOR THE DUTIES OF THE COMMISSIONER OF AGRICULTURE  
3 UNDER THE AGRICULTURAL SEED LAW; TO AMEND REENACTED SECTION  
4 69-3-19, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER; AND FOR  
5 RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 69-3-19, Mississippi Code of 1972, is  
8 reenacted and amended as follows:

9 69-3-19. (1) It shall be the duty of the Commissioner of  
10 Agriculture and Commerce, acting either directly or through his  
11 duly authorized agents:

12 (a) To sample, inspect, make analyses of and test  
13 agricultural, vegetable, flower, tree and shrub seeds, and  
14 transgenic seeds, transported, held in storage, sold, offered for  
15 sale or exposed for sale, or distributed within this state for  
16 seeding purposes, at such time and place, and to the extent as he  
17 may deem necessary to determine whether the seeds are in  
18 compliance with this article, and to notify promptly the person  
19 who transported, distributed, possessed, sold, offered or exposed  
20 the seed for sale, of any violation. Such test results shall be  
21 sufficient to be used by the Mississippi Department of  
22 Transportation to determine whether or not seed so tested meets  
23 the requirements of the Department of Transportation as set out in  
24 its contract specifications. No further testing shall be required  
25 unless the Department of Transportation determines that more than  
26 nine (9) months has elapsed, exclusive of the calendar month in  
27 which the test was completed, between the germination test data  
28 and the time of planting, or if by visual inspection the



29 Department of Transportation determines that the seed was  
30 improperly stored or handled prior to planting.

31 (b) To prescribe and adopt reasonable rules and  
32 regulations governing the methods of sampling, inspecting, making  
33 analysis tests and examinations of agricultural, vegetable, flower  
34 and tree and shrub seeds, including standards, and the tolerances  
35 to be followed in the administration of this article, and any  
36 other reasonable rules and regulations as may be necessary to  
37 secure efficient enforcement of this article.

38 (c) To adopt and publish prohibited and restricted  
39 noxious weed seed lists.

40 (d) To publish list of kinds of seeds known and  
41 recognized to contain firm seeds.

42 (2) For the purpose of carrying out this article, the  
43 commissioner individually or through his designated agents is  
44 authorized:

45 (a) To enter upon any public or private premises where  
46 agricultural, vegetable, flower, or tree and shrub seeds are sold,  
47 offered or exposed for sale or distribution, during regular  
48 business hours in order to have access to seeds or records subject  
49 to this article and the rules and regulations, and to take samples  
50 of seed or copies of records in conformity therewith; and

51 (b) To establish, maintain and support a state seed  
52 testing laboratory with such facilities and personnel as may be  
53 deemed necessary. The laboratory shall be located at Mississippi  
54 State University of Agriculture and Applied Science. Such seed  
55 laboratory and equipment shall be in cooperation with Mississippi  
56 State University of Agriculture and Applied Science and under the  
57 supervision of the Director of the Bureau of Plant Industry, who  
58 shall be the state seed analyst; and

59 (c) To provide that any person, firm or corporation in  
60 this state shall have the privilege of submitting service seed  
61 samples for test to the state seed testing laboratory, subject to



62 the charges as specified in the rules and regulations. Any person  
63 receiving a statement for seed analysis which is not paid in  
64 ninety (90) days will be in violation of this article. Any  
65 resident farmer may have one (1) sample of each kind tested free  
66 in any calendar year. A signed request by a farmer or individual  
67 must accompany the sample when it is sent in by a dealer;  
68 otherwise, the sample will be recorded and charges for analysis  
69 will be made to the dealer. Official seed samples drawn by  
70 inspectors in the enforcement of this article shall have first  
71 priority for testing in the state seed testing laboratory. The  
72 state seed analyst shall not be obligated to analyze uncleaned,  
73 unprocessed, and other time-consuming samples which obviously do  
74 not meet seed law requirements, except as time and facilities will  
75 permit; and

76 (d) To publish, in his discretion, the results of  
77 analyses, tests, examinations, field trials and investigations of  
78 any seed sampled under this article, together with any information  
79 he may deem advisable; and

80 (e) To issue and enforce a written or printed "stop  
81 sale" or "seizure" order to the owner or custodian of any lot of  
82 agricultural, vegetable, flower, or tree and shrub seeds which the  
83 commissioner or his authorized agent finds is in violation of this  
84 article or the rules and regulations, which shall prohibit further  
85 sale or movement of such seed until the officer has evidence that  
86 the law has been complied with and a written release has been  
87 issued to the owner or custodian of the seed; and

88 (f) To issue and enforce a "stop sale" or "seizure"  
89 order with respect to a particular variety of agricultural,  
90 vegetable, flower or tree and shrub seeds if the producer or  
91 distributor of such variety is found to have violated this article  
92 or the rules and regulations with respect to the particular  
93 variety, which shall remain in effect until the producer or  
94 distributor is in compliance with the law and has taken any action



95 required by the commissioner to correct the effect of the  
96 violation in the marketplace; and

97 (g) To cooperate with the United States Department of  
98 Agriculture in seed law enforcement.

99 (3) This section shall stand repealed on July 1, 2003.

100 **SECTION 2.** This act shall take effect and be in force from  
101 and after July 1, 2002.

