To: Agriculture

MISSISSIPPI LEGISLATURE REGULAR SESSION 2002
By: Representative Ford

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 483

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

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

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

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

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

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

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

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

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

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

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

(c) To provide that any person, firm or corporation in this state shall have the privilege of submitting service seed samples for test to the state seed testing laboratory, subject to
the charges as specified in the rules and regulations. Any person receiving a statement for seed analysis which is not paid in ninety (90) days will be in violation of this article. Any resident farmer may have one (1) sample of each kind tested free in any calendar year. A signed request by a farmer or individual must accompany the sample when it is sent in by a dealer; otherwise, the sample will be recorded and charges for analysis will be made to the dealer. Official seed samples drawn by inspectors in the enforcement of this article shall have first priority for testing in the state seed testing laboratory. The state seed analyst shall not be obligated to analyze uncleaned, unprocessed, and other time-consuming samples which obviously do not meet seed law requirements, except as time and facilities will permit; and

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

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

(f) To issue and enforce a "stop sale" or "seizure" order with respect to a particular variety of agricultural, vegetable, flower or tree and shrub seeds if the producer or distributor of such variety is found to have violated this article or the rules and regulations with respect to the particular variety, which shall remain in effect until the producer or distributor is in compliance with the law and has taken any action...
required by the commissioner to correct the effect of the
violation in the marketplace; and

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

(3) This section shall stand repealed on July 1, 2007.

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