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; TO REQUIRE PERSONS TRANSFERRING OWNERSHIP OF BERMUDA GRASS TO OBTAIN A PERMIT FROM THE COMMISSIONER OF AGRICULTURE AND COMMERCE; TO PROVIDE PENALTIES FOR VIOLATIONS; 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, 2005.

SECTION 2. (1) Every person, firm, association or
corporation that shall transfer ownership of Bermuda grass for
commercial sprigging, or that shall issue, use or circulate any
certificate, advertisement, tag, seal, poster, letterhead, marking
circular, written or printed representation or description of or
pertaining to Bermuda grass intended for commercial sprigging or
sale shall conform to the standards or requirements as made by the
Commissioner of Agriculture and Commerce. Such persons, firms,
associations and corporations, before transferring ownership of
Bermuda grass, on or before the first day of July of each year,
shall secure an annual permit from the Commissioner of Agriculture
to engage in such business or practice. The annual permit fee
shall not exceed Twenty-five Dollars ($25.00) for each person or
place of business.

(2) If a person, firm, association or corporation discovers
a new selection of Bermuda grass, such entity shall not name the
grain in such a manner as to misrepresent, infringe or mimic a
name already on the market. The commissioner may revoke the
permit of any person who misrepresents, infringes or mimics a name
in violation of this section.

(3) Any person who transfers ownership of Bermuda grass for
commercial sprigging without a permit as required under this
section shall be subject to a civil penalty, not to exceed Two
Hundred Fifty Dollars ($250.00). All penalties levied by the
commissioner shall be paid into the General Fund in the State
Treasury.
(4) The Commissioner of Agriculture and Commerce shall promulgate rules and regulations to implement the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.