

By: Representative Warren

To: Agriculture

## HOUSE BILL NO. 156

1 AN ACT TO AMEND SECTION 69-3-19, MISSISSIPPI CODE OF 1972, TO  
2 EXTEND THE REPEALER ON THE SPECIFIC ENFORCEMENT RESPONSIBILITIES  
3 OF THE COMMISSIONER OF AGRICULTURE AND COMMERCE REGARDING  
4 AGRICULTURAL SEEDS; AND FOR RELATED PURPOSES.

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

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

8 69-3-19. (1) It shall be the duty of the Commissioner of  
9 Agriculture and Commerce, acting either directly or through his  
10 duly authorized agents:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

99 **SECTION 2.** This act shall take effect and be in force from  
100 and after July 1, 2005.