

By: Representative Warren

To: Agriculture

HOUSE BILL NO. 156
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 69-3-19, MISSISSIPPI CODE OF 1972, TO
2 REMOVE 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.

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99 **SECTION 2.** This act shall take effect and be in force from
100 and after its passage.