

By: Senator(s) Hyde-Smith

To: Agriculture

SENATE BILL NO. 2681
(As Sent to Governor)

1 AN ACT TO CREATE SECTION 69-3-6, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF AGRICULTURE AND COMMERCE TO ESTABLISH
3 SEED INSPECTION FEES; TO REQUIRE A SEEDSMAN TO COMPLY WITH FEE AND
4 REPORT REQUIREMENTS; TO REQUIRE SUCH FEES TO BE PLACED IN A
5 SPECIAL FUND; TO AMEND SECTION 69-3-27, MISSISSIPPI CODE OF 1972,
6 TO CONFORM; TO AMEND SECTION 69-3-25, MISSISSIPPI CODE OF 1972, TO
7 DELETE INCORRECT REFERENCE TO A CODE SECTION; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** The following shall be codified as Section
11 69-3-6, Mississippi Code of 1972:

12 69-3-6. (1) The department may establish seed inspection
13 fees, prescribe and furnish forms, and require the filing of
14 reports necessary for the payment of the inspection fees. The
15 department may inspect the record of any seedsman during the
16 normal hours of business operation as it deems necessary.

17 (2) All fees collected under this section shall be deposited
18 into a special fund in the State Treasury. The department may
19 expend the monies in the fund by an annual appropriation approved
20 by the Legislature for the support of the Seed Division of the
21 Bureau of Plant Industry.

22 (3) Every seedsman who sells or distributes seed for sale,
23 whether in bulk or in containers, within or into Mississippi for
24 planting purposes, shall be assessed a seed inspection fee as
25 required by the department.

26 (4) Every seedsman must:

27 (a) Pay an inspection fee on the total number of pounds
28 of seed sold or otherwise distributed for sale within or into the
29 state. Payment of the seed inspection fees shall be the

30 responsibility of the seedsman initiating the first sale of seed
31 within or into the state;

32 (b) Maintain records, as required by the department,
33 that accurately reflect the total pounds of seed subject to the
34 fees that are handled, sold or offered, or distributed for sale;

35 (c) File quarterly notarized reports on forms provided
36 or approved by the department, covering the total pounds of all
37 sales of seed subject to the fee and sold during the preceding
38 quarter. The reports and fees due shall be filed with the
39 department no later than thirty (30) days following the end of
40 each calendar quarter.

41 (5) A seedsman who does not file the quarterly report by the
42 due date shall pay a penalty fee as provided by the regulations of
43 the department. The penalty fee shall be waived if the seedsman
44 obtains prior written approval from the department for a late
45 filing and complies with the late filing requirements.

46 (6) If a seedsman does not comply with all the requirements
47 of this section, the Commissioner may suspend the seedsman's
48 permit until the seedsman is in compliance.

49 (7) This section shall stand repealed on July 1, 2009.

50 **SECTION 2.** Section 69-3-27, Mississippi Code of 1972, is
51 amended as follows:

52 69-3-27. All fees collected by the Commissioner under this
53 article, except those fees collected under Section 69-3-6, shall
54 be paid * * * to the State Treasurer who shall deposit the fees in
55 the General Fund in the State Treasury.

56 **SECTION 3.** Section 69-3-25, Mississippi Code of 1972, is
57 amended as follows:

58 69-3-25. Any person who knowingly, or as a result either of
59 gross negligence or of a failure to make a reasonable effort to
60 inform himself of the pertinent facts, violates any provision of
61 this act or the rules and regulations made and promulgated
62 thereunder shall be deemed guilty of a misdemeanor and, upon

63 conviction thereof, shall pay a fine of not less than One Hundred
64 Dollars (\$100.00) and not more than Five Hundred Dollars
65 (\$500.00). * * * Nothing in this act shall be construed as
66 requiring the Commissioner to recommend prosecution for minor
67 violations of this act or the rules and regulations made and
68 promulgated thereunder whenever he believes that the public
69 interest will be adequately served by suitable written notice or
70 warning.

71 **SECTION 4.** This act shall take effect and be in force from
72 and after its passage.