

By: Representative Ford

To: Agriculture

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 483

1 AN ACT TO REENACT SECTION 69-3-19, MISSISSIPPI CODE OF 1972,
2 WHICH PROVIDES FOR THE DUTIES OF THE COMMISSIONER OF AGRICULTURE
3 UNDER THE AGRICULTURAL SEED LAW; TO AMEND REENACTED SECTION
4 69-3-19, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER; AND FOR
5 RELATED PURPOSES.

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

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

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

12 (a) To sample, inspect, make analyses of and test
13 agricultural, vegetable, flower, tree and shrub seeds, and
14 transgenic seeds, transported, held in storage, sold, offered for
15 sale or exposed for sale, or distributed within this state for
16 seeding purposes, at such time and place, and to the extent as he
17 may deem necessary to determine whether the seeds are in
18 compliance with this article, and to notify promptly the person
19 who transported, distributed, possessed, sold, offered or exposed
20 the seed for sale, of any violation. Such test results shall be
21 sufficient to be used by the Mississippi Department of
22 Transportation to determine whether or not seed so tested meets
23 the requirements of the Department of Transportation as set out in
24 its contract specifications. No further testing shall be required
25 unless the Department of Transportation determines that more than
26 nine (9) months has elapsed, exclusive of the calendar month in
27 which the test was completed, between the germination test data
28 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



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

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

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

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



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

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

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

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

