

FILED

MAR 5 10 43 AM '75

CLERK OF
HOUSE OF DELEGATES
CAPITOL BUILDING
CHARLESTON, WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1975

— ● —

ENROLLED

HOUSE BILL No. 1035

(By Mr. Millerson and Mr. Childers)

— ● —

PASSED February 21, 1975

In Effect ninety days from Passage



C 641

1035

ENROLLED

H. B. 1035

(By MR. MILLESON and MR. CHILDERS)

[Passed February 21, 1975; in effect ninety days from passage.]

AN ACT to amend and reenact sections three and four, article sixteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to agricultural and forest seeds; registration; fees; and prohibitions.

Be it enacted by the Legislature of West Virginia:

That sections three and four, article sixteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 16. AGRICULTURAL AND FOREST SEEDS.

§19-16-3. Certificate of registration; seed fees; payment of fees; disposition of funds.

1 (a) No person shall sell, offer for sale or expose for sale
2 or distribution in this state any agricultural, forest or vegetable
3 seeds or seed potatoes without a certificate of registration is-
4 sued by the commissioner.

5 (b) Application for a certificate of registration shall be
6 made in writing to the commissioner on forms provided by
7 the commissioner. Each application shall contain:

8 (1) The name and business address of the person applying
9 for the certificate.

10 (2) A list of the seeds to be offered for sale.

11 (3) A consent for the commissioner to inspect and audit
12 all sales invoices and records; and

13 (4) Any other necessary information prescribed by the com-
14 missioner.

15 (c) The commissioner shall require an annual fee of one
16 dollar for each certificate of registration so issued.

17 (d) The commissioner shall cancel any certificate of regis-
18 tration upon receiving satisfactory evidence that any provi-
19 sions of this article or any rules and regulations issued by the
20 commissioner under the auspices of this article have been
21 violated.

22 (e) Certificates of registration issued by the commissioner
23 shall expire at the end of the calendar year of issue next after
24 date of issue unless sooner revoked as herein provided.

25 (f) Any person who sells, offers to sell or exposes for sale
26 or distribution any such seed shall report to the commissioner,
27 on forms prescribed by the commissioner, on or before the
28 fifteenth day of April, July, October and January of each year
29 the net pounds of seeds sold by kind or variety and shall pay a
30 state seed fee on such poundage as provided in the following
31 schedule:

32 (1) For forest, tobacco, alfalfa, clovers and all grass or
33 mixtures of any of these, and all vegetable seeds, except those
34 packaged in units of eight ounces or less and sold from display
35 units, ten cents for each one hundred pounds.

36 (2) For all other agricultural seeds, five cents for each one
37 hundred pounds.

38 (3) For seed potatoes, two cents for each one hundred
39 pounds.

40 (4) For vegetable seeds packaged in containers of eight
41 ounces or less and sold from display units, one dollar per
42 display unit which shall be paid through the purchase of seed
43 stamps from the commissioner with such seed stamps being at-
44 tached in a conspicuous place to each and every display unit.

45 (g) A dealer shall not be required to register or pay the
46 seed fee on any agricultural, forest, or vegetable seed, or seed

47 potato which he can prove was currently registered and with
48 the fees paid by a person entitled to do so.

49 (h) All moneys collected in the enforcement of this article
50 shall be deposited in a special revenue fund with the state
51 treasurer, and shall be expended on order of the commissioner.

§19-16-4. Prohibitions.

1 (a) It shall be unlawful for any person to sell, offer for sale
2 or expose for sale any agricultural, forest or vegetable seed
3 within this state:

4 (1) Unless the test to determine the percentage of germina-
5 tion required by section two of this article shall have been
6 completed within the test period prescribed in regulations is-
7 sued by the commissioner;

8 (2) Not labeled in accordance with the provisions of this
9 article or which has false or misleading labeling;

10 (3) Which has been the subject of false or misleading ad-
11 vertisement;

12 (4) Containing prohibited weed seeds, subject to tolerances
13 and methods of determination prescribed in the rules and
14 regulations issued under the auspices of this article;

15 (5) Containing more than two percent by weight of weed
16 seed.

17 (b) It shall be unlawful for any person within this state:

18 (1) To detach, alter, deface or destroy any label provided
19 for in this article or the rules and regulations issued thereun-
20 der, or to alter or substitute seed in a manner that may defeat
21 the purposes of this article;

22 (2) To disseminate any false or misleading advertisement
23 concerning agriculture, forest, vegetable or potato seed in any
24 manner or by any means;

25 (3) To hinder or obstruct in any way any authorized person
26 in the performance of his duties under this article;

27 (4) To fail to comply with a "stop sale" order.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Laurence H. Chappell
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Jack Welch Jr.
Clerk of the Senate

C Blankenship
Clerk of the House of Delegates

W. T. Brotherton Jr.
President of the Senate

Lewis W. Thomas
Speaker House of Delegates

The within appended this the 3rd
day of March, 1975.

Arch A. Phares Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 2/26/75

Time 5:20 p.m.