ENROLLED BILL

Regular Session

SENATE BILL NO. 159

By Mr. ______

PASSED____March 11____1933

IN EFFECT ninety days from PASSAGE
AN ACT to amend and reenact section three, article fourteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one; also to amend and reenact section one-(a), section two, article sixteen by adding section two-(a), amending sections three and four, and by adding section four-(a), all of article sixteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to commercial feed stuffs, agricultural and vegetable seeds and seed potatoes.

Be it enacted by the Legislature of West Virginia:

That section three, article fourteen, chapter nineteen, and sections one-(a) and two, article sixteen, chapter nineteen of the
code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted so as to read as follows:

ARTICLE 14

Section 3. Every manufacturer who shall sell, offer or expose for sale, or distribute, in this state any commercial feeding stuff shall, before the same is sold, offered or exposed for sale, obtain from the commissioner of agriculture a certificate of registration for each brand of feed to be sold, offered or exposed for sale. The commissioner of agriculture shall have full power, and is hereby authorized and required, to cancel and withdraw any certificate upon satisfactory evidence that any rules and regulations covering the sale of commercial feeding stuffs has been violated by the holder of the same. The commissioner shall not issue any certificate of registration except upon the filing with the commissioner of a certified copy of the statement specified in section two of this article for each brand of commercial feeding stuffs, accompanied by a fee of five dollars for each brand, from all resident manufacturers; all other manufacturers shall pay a fee of fifteen dollars for each brand registered, which moneys shall become a part of the general revenue of the state to be reappropriated to the
19 department of agriculture to be used for the enforcement of
20 this law. All certificates so issued shall become null and void
21 on June thirtieth next succeeding the issuance thereof. Tank-
22 age, meat meal or meat scrap shall not be sold in this state
23 through dealers or otherwise, except under the regulations of
24 government inspection of tankage, meat meal or meat scraps,
25 and each container shall have a prescribed label from the
26 bureau of animal industry in compliance with the act of con-
27 gress of June thirtieth, one thousand nine hundred six.

ARTICLE 16

Section 1. The following words, as used in this article, or in
2 any rule and regulation authorized thereunder, unless the con-
3 text otherwise requires or a different meaning is specifically
4 prescribed, shall have the following meanings:
5 (a) "Agricultural seeds," the seeds of Canada blue grass,
6 Kentucky blue grass, brome grass, fescues, kafir corn, millet,
7 tall meadow oat grass, sorghum, sudan grass, timothy, alfalfa,
8 soybeans, alsike clover, crimson clover, red clover, white sweet
9 clover, yellow sweet clover, Canada field peas, cow peas, vetches
10 and other grasses and forage plants, buckwheat, flax, rape,
11 barley, corn, oats, rye, wheat, seed potatoes, vegetable seeds
12 which are commonly known as "vegetable seeds" and which
13 are of the kind used for the purpose of raising garden and
14 truck crops, and other seeds which may be defined by the com-
15 missioner of agriculture as agricultural seeds, which are sold,
16 stored, offered or exposed for sale or distribution, or had in
17 possession with intent to sell within this state for seeding
18 purposes;
19 (b) "Noxious seeds," the seeds or bulblets of any of the
20 following plants: Wild onion (allium vineale), Johnson grass
21 (sorghum halapense), quack grass (agropyron repens), dodder
22 (cuscuta spp.), Canada thistle (carduus arvensis), hawk weed
23 (hieracium spp.), sow thistle (sonchus spp.), buckhorn (plant-
24 ago lanceolata), English charlock or wild mustard (brassica
25 arvensis), corn cockle (agrostemma githago), ox-eye daisy
26 (chrysanthemum leucanthemum), Indian mustard (brassica
27 juncea), star thistle (centaurea solstitialis), wild carrot (daucus
28 carota), galinsoga (galinsoga parviflora), and such other weeds
29 as the commissioner of agriculture may determine to be noxious
30 and a menace in West Virginia: Provided, however, That
31 prior to the promulgation of the order defining that any weed
32 seed or seeds are noxious within the definition of this article, a
33 public hearing upon due notice thereof shall be given to per-
34 sons affected by such order, at which hearing such persons may
35 appear in person or by attorney: Provided further, That the
36 order determining that any weed seed or seeds shall be deemed
37 to be noxious shall not be effective until six months after the
38 promulgation and publication of such order;
39 (c) "Weed seeds," all seeds, and bulbets of noxious weeds,
40 and, in addition thereto, all seeds other than agricultural seeds;
41 (d) "Foreign seeds," any noxious or weed seeds, or any
42 agricultural seeds other than the particular kind or variety of
43 agricultural seeds represented as being the contents of a pack-
44 age or container of agricultural seeds;
45 (e) "Inert matter," sand, dirt, sticks, stones, chaff, broken
46 seeds and any other matter not included under "foreign seeds."

Sec. 2. Every lot of agricultural seeds and vegetable seeds
2 as defined in section one of this article, except as herein other-
3 wise provided, when sold, stored, offered or exposed for sale or
4 distributed in this state in bulk, packages or other containers,
5 shall have affixed thereto, in a conspicuous place, on the ex-
6 terior of the container of such agricultural seeds, a plainly
written or printed tag, or label, in the English language, stating:

(a) Commonly accepted name of the kind and variety of such agricultural seeds;

(b) The approximate percentage, by weight, of purity, meaning the freedom of such agricultural seeds from foreign seeds and inert matter;

(c) The approximate total percentage, by weight, of weed and foreign seeds;

(d) The name and approximate number per ounce of each kind of the seeds or bulblets of the noxious weeds listed in subdivision (b), section one of this article, as follows:

(1) In excess of one such seed or bulblet in each five grams of timothy, red top, tall meadow oat grass, orchard grass, Canada blue grass, Kentucky blue grass, fescues, brome grasses, perennial and Italian rye grasses, western rye grass, crimson clover, red clover, white clover, alsike clover, sweet clover, alfalfa, and all other grasses and clovers not otherwise classified.

(2) In excess of one such seed or bulblet in each twenty-five grams of millet, rape, flax and other seeds not classified in
28 paragraphs one or three of this subdivision;

29 (3) In excess of one such seed or bulblet in each one hundred grams of oats, rye, barley, buckwheat, vetch and other seeds as large as, or larger than, wheat;

30 (e) The approximate percentage of germination, together with the month and year such seed was tested;

31 (f) The full name and address of the seedsman, importer, dealer or agent, or other person, firm or corporation, selling, offering or exposing for sale or distribution such agricultural seeds in this state for seeding purposes.

Sec. 2-(a). Every producer or distributor of agricultural or vegetable seeds who shall sell, offer or expose for sale or distribution in this state any agricultural or vegetable seeds, shall, before the same is sold, offered or exposed for sale, obtain from the commissioner of agriculture, a certificate of registration for each kind and variety of agricultural or vegetable seeds to be sold, offered or exposed for sale. The commissioner of agriculture shall have full power, and is hereby authorized and required to cancel and withdraw any certificate upon satisfactory evidence that any rules and regulations covering the sale of any kind or variety of agricultural or vegetable seeds
12 have been violated by producer, distributor or the holder of
13 the same. The commissioner shall not issue any certificate of
14 registration except upon the filing with the commissioner of
15 agriculture of a certified copy of the statement of (a), (b),
16 (c), (d), (e), and (f), section two of this article, for each
17 kind and variety of agricultural or vegetable seeds, accom-
18 panied by a fee of five dollars for each kind and variety of
19 agricultural or vegetable seeds, which shall become a part of
20 the general revenue of the state to be reappropriated to the
21 department of agriculture to be used for the enforcement of
22 this law.
23 All certificates so issued shall become null and void on June
24 thirty next succeeding date of issuance thereof.

Sec. 3. Mixtures, when in bulk, packages, or other contain-
2 ers, containing not more than two kinds of agricultural seeds
3 in excess of five per cent by weight of the total mixture, shall
4 have affixed thereto, in a conspicuous place on the exterior of
5 the container of such mixture, a plainly written or printed tag,
6 or label, in the English language stating:
7 (a) That such seed is a mixture;
8 (b) The name and percentage of each kind of agricultural
(f) The full name and address of the seedsman, importer, 
dealer, agent, or other person, selling, offering or exposing for 
sale or distribution, such mixture in this state for seeding 
purposes.

Sec. 4. Mixtures other than those defined in section three 
of this article, when in bulk, packages or other containers shall 
have affixed thereto in a conspicuous place on the exterior of 
the container of such mixture, a plainly written or printed
5 tag, or label, in the English language stating:
6 (a) That such seed is a special mixture;
7 (b) The name and percentage of each kind of agricultural
8 seed present in such mixture in excess of five per cent by
9 weight of the total mixture;
10 (c) The approximate total percentage by weight of weed
11 seeds as defined in subdivision (c), section one of this article;
12 (d) The name and approximate number per ounce of each
13 kind of the seeds or bulblets of the noxious weeds listed in
14 subdivision (b), section one of this article, which are present
15 singly or collectively in excess of one seed or bulblet in each
16 fifteen grams of such mixture;
17 (e) The full name and address of the seedsman, importer,
18 dealer, agent, or other person, selling, offering or exposing for
19 sale or distribution, such mixture in this state for seeding
20 purposes.

Sec. 4-(a). When potatoes are sold, offered or exposed for
2 sale as certified seed potatoes, there shall be attached to the bag
3 or container, a tag showing by whom certified, the standard or
4 conditions under which such certification is made and the name
5 of the official state or governmental agency making the inspec-
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6 tion upon which the certification is made, and this shall be
7 the only designation indicating suitable quality for seed
8 purposes.
9 All acts and parts of acts inconsistent herewith are hereby
10 repealed.
CORRECTLY ENROLLED

Chairman Senate Committee.

Clerk of the House of Delegates.

President of the Senate.

The within is__________________________________________

day of___________________________, 1933.

Filed in the office of the Secretary of State
of West Virginia ______________________

Wm. S. O'Brien,
Secretary of State

_________________________
Governor.