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WEST VIRGINIA LEGISLATURE

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1975**



**ENROLLED**

**HOUSE BILL No. 1035**

(By Mr. Trilleson and Mr. Childers)



PASSED February 21, 1975

In Effect ninety days from Passage



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

La Lorenz C. C. C. C.  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. D. Nelson  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. T. Burt  
President of the Senate

Lewis T. M. Thorne  
Speaker House of Delegates

The within approved this the 3<sup>rd</sup>  
March  
day of \_\_\_\_\_, 1975.

Arch A. Thorne  
Governor

PRESENTED TO THE  
GOVERNOR

Date 2/26/75

Time 5:20 p.m.