

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

2

SENATE BILL 146*

Agriculture/Environment/Natural Resources Committee Substitute Adopted 3/1/95

Short Title: Seed Law Amendments.

(Public)

Sponsors:

Referred to:

February 7, 1995

A BILL TO BE ENTITLED
AN ACT TO AMEND THE NORTH CAROLINA SEED LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-277.5 reads as rewritten:

"§ 106-277.5. Labels for agricultural seeds.

Agricultural seeds sold, offered or exposed for sale, transported for sale, or otherwise distributed within this State shall be labeled to show the following information:

- (1) The commonly accepted name of the kind and the variety, or kind and the phrase 'variety not stated' for each agricultural seed component, in excess of five percent (5%) of the whole, and the percentage by weight of each in order of its predominance. The Board of Agriculture may, pursuant to G.S. 106-277.15, require the variety to be stated on the labeling for certain kinds of agricultural seed, and the phrase 'variety not stated' shall not be used on the labeling of such seed. When more than one component is required to be named, the word 'mixture' or the word 'mixed' shall be shown conspicuously on the label. Second generation from hybrid seeds, if sold, shall be labeled 'second generation (of the parent), variety not stated.' 'F' designations on labels, unless used as a part of a variety name, will refer only to size and shape of corn seeds.

- 1 (2) Lot number or other lot identification.
2 (3) Net weight.
3 (4) Origin, if known. If the origin is unknown, the fact shall be stated.
4 (5) Percentage by weight of inert matter.
5 (6) Percentage by weight of agricultural seeds and/or vegetable seeds
6 (which shall be designated as 'other crop seeds') other than those named
7 on the label. Different varieties of the same kind of seed, when in
8 quantities of less than five percent (5%) will be considered as other crop
9 seed.
10 (7) Percentage by weight of all weed seeds, including noxious-weed seeds.
11 (8) For each named agricultural seed:
12 a. Percentage of germination, exclusive of hard seed.
13 b. Percentage of hard seeds, if present.
14 c. The calendar month and year the test was completed to determine
15 such percentages.
16 In addition to the individual percentage statement of germination and
17 hard seed, the total percentage of germination and hard seed may be
18 stated as such, if desired.
19 (9) The name and number per pound of each kind of restricted noxious-
20 weed seed present.
21 (10) Name and address of person who labeled said seed or who sells, offers
22 or exposes said seed for sale within this State. If the seeds are labeled by
23 the shipper for a consignee within this State, the shipper may use his
24 approved code designation with the name and address of the consignee.
25 (11) Such other information as the Board shall prescribe by rule."
26 Sec. 2. G.S. 106-277.6 is amended by adding the following new subdivision:
27 "(6) Such other information as the Board shall prescribe by rule."
28 Sec. 3. G.S. 106-277.7 is amended by adding the following new subdivision:
29 "(8) Such other information as the Board shall prescribe by rule."
30 Sec. 4. G.S. 106-277.15 reads as rewritten:

31 **"§ 106-277.15. Rules, regulations and standards.**

32 The Commissioner of Agriculture, ~~jointly with the~~ Board of Agriculture, in accordance
33 with the Administrative Procedure Act, after public hearing immediately following 10 days'
34 ~~public notice~~ may adopt such rules, regulations and standards which they may find to be
35 advisable or necessary to carry out and enforce the purposes and provisions of this
36 Article, which shall have the force and effect of law. The ~~Commissioner and~~ Board of
37 Agriculture shall adopt rules, regulations and standards as follows:

- 38 (1) Prescribing the methods of sampling, inspecting, analyzing, testing and
39 examining agricultural and vegetable seed, and determining the
40 tolerance to be followed in the administration of this Article.
41 (2) Declaring a list of prohibited and restricted noxious weeds, conforming
42 with the definitions stated in this Article, and to add to or subtract

- 1 therefrom, from time to time, after a public hearing following due public
2 notice.
- 3 (3) Declaring the maximum percentage of total weed seed content permitted
4 in agricultural seed.
- 5 (4) Declaring the maximum number of 'restricted' noxious-weed seeds per
6 pound of agricultural seed permitted to be sold, offered or exposed for
7 sale.
- 8 (5) Declaring the minimum percentage of germination permitted for sale as
9 'Agricultural Seeds.'
- 10 (6) Declaring germination standards for vegetable seeds.
- 11 (7) Prescribing the form and use of tags or stamps to be used in labeling
12 seed.
- 13 (8) Prescribing such other rules and regulations as may be necessary to
14 secure the efficient enforcement of this Article.
- 15 (9) Establishing fees and charges for agricultural and vegetable seed testing
16 and analysis.
- 17 (10) Prescribing minimum hybrid percentage for labeling for each species
18 hybridized.
- 19 (11) Prescribing labeling and coloring requirements for treated seed.
- 20 (12) Establishing a Tobacco Seed Committee which shall approve flue-cured
21 tobacco varieties prior to registration with the Department.
- 22 (13) Prescribing labeling requirements for agricultural and vegetable seed."
23 Sec. 5. G.S. 106-277.28 reads as rewritten:

24 "**§ 106-277.28. License and inspection fees.**

25 For the purpose of providing a fund to defray the expense of inspection, examination,
26 and analysis of seeds and the enforcement of this Article:

- 27 (1) Repealed by Session Laws 1991, c. 588, s. 1.
- 28 (2) Each seed dealer who offers for sale any agricultural, vegetable, or lawn
29 or turf seeds for seeding purposes shall register with the Commissioner
30 and shall obtain an annual license, for each location where activities are
31 conducted, by January 1 of each year and shall pay the following license
32 fee:
- 33 a. Wholesale or combined wholesale and retail
34 seed dealer \$100.00
- 35 b. Retail seed dealer with sales of no
36 more than \$500.00 5.00
- 37 c. Retail seed dealer with sales of more
38 than \$500.00 but no more than \$1,000 15.00
- 39 d. Retail seed dealer with sales of more
40 than \$1,000 25.00.
- 41 (3) Each seed dealer or grower who has seed, whether originated or labeled
42 by the dealer or grower, that is offered for sale in this State shall report
43 the quantity of seed ~~sold~~ offered for sale and pay an inspection fee of

1 two cents (2¢) for each container of seeds weighing 10 pounds or more.
2 Seed shall be subject to the inspection fee and reporting requirements
3 only once in any 12-month period. This fee does not apply to seed
4 grown by a farmer and offered for sale by the farmer at the farm where
5 the seed was grown.

6 Each seed dealer or grower shall keep accurate records of the
7 quantity of seeds and container weights ~~sold~~ offered for sale from each
8 distribution point in the State. These records shall be available to the
9 Commissioner or an authorized representative of the Commissioner at
10 any and all reasonable hours for the purpose of verifying the quantity of
11 seed ~~sold~~ offered for sale and the fees paid. Each seed dealer or grower
12 shall report quarterly on forms furnished by the Commissioner the
13 quantity and container weight of seeds ~~sold~~ first offered for sale that
14 quarter. The reports shall be made on the first day of January, April,
15 July, and October, or within 10 days ~~thereafter, and the inspection fee shall~~
16 ~~be due and payable with the report.~~ thereafter. Inspection fees shall be due
17 and paid with the next quarterly report filed after the seed is first offered
18 for sale. If the report is not filed and the inspection ~~fee~~ fees paid to the
19 Department of Agriculture by the tenth day following the date due, or if
20 the report of the quantity or container weights is false, the
21 Commissioner may issue a stop-sale order for all seed offered for sale
22 by the dealer or grower. If the inspection ~~fee is~~ fees are unpaid more
23 than 15 days after the due date, the amount due shall bear a penalty of
24 ten percent (10%) which shall be added to the inspection ~~fee~~ fees due."

25 Sec. 6. This act is effective upon ratification.