

SENATE FILE 2221

BY COMMITTEE ON AGRICULTURE

(FORMERLY SSB 2105)
Approved (p. 561)

FILED MAR 2 1982

Passed Senate, Date 3-12-82 (p. 707) Passed House, Date _____
Vote: Ayes 47 Nays 1 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation of agricultural and
2 vegetable seed, and relating to penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 199.1, Code 1981, is amended by striking
2 the section and inserting in lieu thereof the following:

3 199.1 DEFINITIONS. For the purpose of this chapter or
4 as used in labeling of seed:

5 1. "Person" means an individual, partnership, corporation,
6 company, society, or association.

7 2. "Agricultural seed" means grass, forage, cereal, oil,
8 fiber, and any other kind of crop seed commonly recognized
9 within this state as agricultural seed, lawn seed, vegetable
10 seed, or seed mixtures. Agricultural seed may include any
11 additional seed the secretary designates by rules.

12 3. "Vegetable seed" means the crops which are grown in
13 gardens or truck farms and are generally sold under the name
14 of vegetable or herb seed in this state.

15 4. "Weed seed" means seed of all plants commonly recognized
16 as weeds within this state, including noxious weed seed.

17 5. Noxious weed seed shall be divided into two classes,
18 "primary noxious weed seed" and "secondary noxious weed seed"
19 which are defined in paragraphs a and b of this subsection.
20 The secretary, upon the recommendation of the dean of
21 agriculture, Iowa state university of science and technology,
22 shall adopt as a rule, after public hearing, pursuant to
23 chapter 17A, the list of seed classified as "primary noxious
24 weed seed" and "secondary noxious weed seed".

25 a. "Primary noxious weed seed" are the seed of perennial
26 weeds that reproduce by seed and by underground roots or stems
27 and which, when established, are highly destructive and
28 difficult to control in this state by good cultural practices.

29 b. "Secondary noxious weed seed" are the seed of weeds
30 that are very objectionable in fields, lawns, or gardens in
31 this state, but can be controlled by good cultural practices.

32 6. "Purity" means the pure seed percentage by weight,
33 exclusive of inert matter and of other agricultural or weed
34 seed which are distinguishable by their appearance from the
35 crop seed in question.

1 7. "Tolerance" means the allowable deviation from any
2 figure used on a label to designate the percentage of any
3 component or the number of seeds given for the lot in question
4 and is based on the law of normal variation from a mean.
5 The secretary shall prepare tables of tolerances allowable
6 in the enforcement of this chapter and may be guided in the
7 preparation by the regulations under the federal Seed Act,
8 7 C.F.R., sec. 201.59 et. seq.

9 8. "Treated seed" means agricultural seed that has been
10 given an application of a substance, or subjected to a
11 procedure, for which a claim is made or which is designed
12 to reduce, control or repel disease organisms, insects, or
13 other pests which attack seed or seedlings.

14 9. "Coated seed" means seed that has been encapsulated
15 or covered with a substance other than those defined as
16 "inoculated seed" or "treated seed". Pelleted seed is a
17 subclass of "coated seed".

18 10. "Inoculant for leguminous plants" means a bacterial
19 culture, or material containing bacteria, that is represented
20 as causing the formation of nodules and aiding the growth
21 of leguminous plants by the fixation of nitrogen.

22 11. "Inoculated seed" means seed to which has been added
23 a substance containing the cells, spores or mycelia of
24 microorganisms for which a claim is made.

25 12. "Labeling" means all labels and other written, printed,
26 or graphic representations, in any form, accompanying and
27 pertaining to seed, whether in bulk or in containers, and
28 includes invoices.

29 13. "Advertisement" means all representations, other than
30 those on the label, relating to seed within the scope of this
31 chapter.

32 14. "Permit holder" is a person who has obtained a permit
33 from the department as required under sections 199.15 and
34 199.16.

35 15. "Registered seed technologist" is a person who has

1 attained registered membership in the society of commercial
2 seed technologists through qualifying tests and experience
3 as required by this society.

4 16. "Record" means all information relating to a shipment
5 of agricultural seed and includes a file sample of each lot
6 of seed.

7 17. "Kind" means one or more related species or subspecies
8 which singly or collectively are known by one common name.

9 18. "Conditioning" means cleaning to remove chaff, sterile
10 florets, immature seed, weed seed, inert matter, and other
11 crop seed; scarifying; blending to obtain uniform quality;
12 or any other operation which may change the purity or
13 germination of the seed and require retesting to determine
14 the quality of the seed.

15 19. "Cultivar" or "variety" means a cultivated subdivision
16 of a kind of plant that may be characterized by growth habits,
17 fruit, seed, or other characteristics, by which it can be
18 differentiated from other plants of the same kind.

19 20. "Mixture" or "blend" means a combination of seed of
20 more than one kind or variety if present in excess of five
21 percent of the whole.

22 21. "Multiline cultivar" means a planned combination of
23 two or more near-isogenic lines of a normally self-fertilizing
24 kind of crop.

25 22. "Hybrid" means the first generation seed produced
26 by controlled pollination of two inbred lines to produce a
27 single cross; an inbred line and a single cross of two
28 unrelated inbred lines to produce a three-way cross; an inbred
29 line and a single cross of two related lines to produce a
30 modified single cross; two single crosses to produce a double
31 cross; an inbred line or a single cross with an open-pollinated
32 or synthetic cultivar to produce a modified cultivar cross;
33 or a cross of two open-pollinated or synthetic cultivars to
34 produce a cultivar cross. The second or subsequent generation
35 from such crosses are not hybrids. Hybrid designations shall

1 be treated as cultivar names.

2 23. "Certifying agency" means an agency authorized under
3 the laws of a state, territory, or possession to officially
4 certify seed and which has standards and procedures approved
5 by the United States secretary of agriculture to assure genetic
6 purity and identity of the seed certified, or an agency of
7 a foreign country determined by the United States secretary
8 of agriculture to adhere to the procedures and standards for
9 seed certification comparable to those adhered to generally
10 by seed certifying agencies in the United States.

11 Sec. 2. Section 199.2, Code 1981, is amended to read as
12 follows:

13 199.2 ~~BOTANIST~~ DEAN OF AGRICULTURE AS ADVISOR. The state
14 ~~botanist~~ dean of agriculture of Iowa state university of
15 science and technology or the dean's designee shall be the
16 technical advisor to the secretary in the administration of
17 this chapter.

18 Sec. 3. Section 199.3, Code 1981, is amended by striking
19 the section and inserting in lieu thereof the following:

20 199.3 LABELING OF SEED. Each container of agricultural
21 or vegetable seed which is sold, offered for sale, exposed
22 for sale, or transported within this state shall be labeled
23 according to the following schedule:

24 1. Seed for sowing purposes shall be labeled as follows:

25 a. Agricultural or vegetable seed that is treated,
26 inoculated, or coated shall contain a word or statement
27 indicating that the treatment, inoculation, or coating has
28 been done. A separate label may be used.

29 b. If treated, the label shall indicate the commonly
30 accepted chemical or abbreviated chemical name of the applied
31 substance or substances or a description of the type and
32 purpose of procedure used. If the substance in the amount
33 present with the seed is harmful to human or vertebrate
34 animals, the label shall bear a caution statement such as
35 "Do not use for food, feed, or oil purposes". In addition,

1 for highly toxic substances, a poison statement or symbol
2 shall be shown on the label.

3 c. If the seed is inoculated, the label shall indicate
4 the month and year beyond which the inoculant is not claimed
5 to be effective.

6 d. If the seed is coated, the label shall show the
7 percentage by weight in the container of pure seed, inert
8 matter, coating material, other crop seed, and weed seed.
9 The percentage of germination shall be labeled on the basis
10 of a determination made on at least four hundred pellets or
11 capsules, whether or not they contain seed.

12 e. All seed in package or wrapped form which are required
13 to be labeled, unless otherwise provided, shall conform to
14 the requirements of sections 189.9 and 189.11.

15 2. Except for seed mixtures for lawn or turf purposes,
16 agricultural seed shall bear a label indicating:

17 a. The name of the kind or kind and variety for each
18 agricultural seed present in excess of five percent of the
19 whole and the percentage by weight of each. If the variety
20 of those kinds generally labeled as to variety is not stated,
21 the label shall show the name of the kind and the words,
22 "variety not stated". Hybrids shall be labeled as hybrids.
23 Seed shall not be labeled or advertised under a trademark
24 or brand name in a manner that may create the impression that
25 the trademark or brand name is a variety name.

26 b. Lot number or other lot identification.

27 c. State or foreign country of origin, if known, of alfalfa
28 and red clover. If the origin is unknown, the fact shall
29 be stated.

30 d. Percentage by weight of all weed seed.

31 e. The name and rate of occurrence per unit of weight
32 of each kind of secondary noxious weed seed present.

33 f. Percentage by weight of agricultural seed which may
34 be designated as "other crop seed" other than those required
35 to be named on the label.

1 g. Percentage by weight of inert matter.

2 h. For each named agricultural seed:

3 (1) Percentage of germination, exclusive of hard seed.

4 (2) Percentage of hard seed, if present.

5 (3) The calendar month and year the test was completed
6 to determine the percentages.

7 Following (1) and (2), the "total germination and hard
8 seed" may be stated as such, if desired.

9 i. Name and address of the person who labeled the seed,
10 or who sells, offers, or exposes the seed for sale within
11 this state.

12 3. For seed mixtures for lawn or turf purposes, the label
13 shall indicate:

14 a. The word "mixed" or "mixture" along with the name of
15 the mixture.

16 b. The heading "pure seed" and "germination" or "germ"
17 where appropriate.

18 c. Commonly accepted name of kind or kind and variety
19 of each turf seed component in excess of five percent of the
20 whole, and the percentage by weight of pure seed in order
21 of its predominance and in columnar form.

22 d. Name and percentage by weight of other agricultural
23 seed than those required to be named on the label which shall
24 be designated as "other crop seed". If the mixture contains
25 no "other crop seed" that fact may be indicated by the words
26 "contains no other crop seed".

27 e. Percentage by weight of inert matter not to exceed
28 ten percent by weight. Foreign material not common to turf
29 grass seed shall not be present.

30 f. Percentage by weight of all weed seed. Maximum weed
31 seed content not to exceed one-half of one percent by weight.

32 g. Percentage by weight of noxious weed seed under the
33 heading "noxious weed seed".

34 h. For each turf seed named under paragraph c:

35 (1) Percentage of germination, exclusive of hard seed.

1 (2) Percentage of hard seed, if present.

2 (3) Calendar month and year the test was completed to
3 determine such percentages. The oldest current test date
4 applicable to any single kind in the mixture shall appear
5 on the label.

6 i. Name and address of the person who labeled the seed,
7 or who sells, offers, or exposes the seed for sale within
8 the state.

9 4. The labeling requirements for vegetable seed sold from
10 containers of more than one pound shall be deemed to have
11 been met if the seed is weighed from a properly labeled
12 container in the presence of the purchaser. Packets of
13 vegetable seed prepared for use in home gardens or household
14 plantings or vegetable seed in preplanted containers, mats,
15 tapes, or other planting devices, shall bear labels with the
16 following information:

17 a. Name of kind and variety of seed.

18 b. Lot identification.

19 c. The year for which the seed was packed for sale.

20 d. The percentage of germination and the calendar month
21 and year the test to determine such percentage was completed.

22 e. Name and address of the person who labeled the seed
23 or who sells, offers, or exposes the seed for sale within
24 the state.

25 f. For seed which germinate less than the standard last
26 established by the secretary in rules adopted under chapter
27 17A:

28 (1) Percentage of germination, exclusive of hard seed.

29 (2) Percentage of hard seed, if present.

30 (3) The words "below standard" in not less than eight
31 point type.

32 g. For seed placed in a germination medium, mat, tape,
33 or other device in such a way as to make it difficult to
34 determine the quantity of seed without removing the seed from
35 the medium, mat, tape, or device, a statement to indicate

1 the minimum number of seed in the container.

2 5. All other vegetable seed containers shall be labeled,
3 indicating:

4 a. The name of each kind and variety present in excess
5 of five percent and the percentage by weight of each in order
6 of its predominance.

7 b. Lot number or other lot identification.

8 c. For each named vegetable seed:

9 (1) Percentage germination exclusive of hard seed.

10 (2) Percentage of hard seed, if present.

11 (3) The calendar month and year the test was completed
12 to determine such percentages.

13 Following (1) and (2) the "total germination and hard seed"
14 may be stated as such, if desired.

15 d. Name and address of the person who labeled the seed,
16 or who sells, offers, or exposes the seed for sale within
17 the state.

18 6. Seed sold on or from the farm, which are exempt from
19 the permit requirements by section 199.15, shall be labeled
20 on the basis of tests performed by the Iowa state university
21 of science and technology seed laboratory, department of
22 agriculture seed laboratory, or a commercial seed laboratory
23 personally supervised by a registered seed technologist.
24 Tests for labeling shall be as provided in section 199.10.

25 Sec. 4. Section 199.4, Code 1981, is amended to read as
26 follows:

27 199.4 SALES FROM BULK. In case agricultural or vegetable
28 seed is offered or exposed for sale in bulk or sold from bulk,
29 the information required under section 199.3, ~~subsection 1,~~
30 may be supplied by ~~(1)~~ a placard conspicuously displayed with
31 the several required items thereon or ~~(2)~~ a printed or written
32 statement to be furnished to any purchaser of ~~said~~ the seed.

33 Sec. 5. Section 199.5, Code 1981, is amended to read as
34 follows:

35 199.5 HYBRID CORN. It ~~shall be~~ is unlawful for any person

1 to sell, offer or expose for sale, or falsely mark or tag,
2 within the state any seed corn as hybrid unless it represents
3 ~~the first-generation-of-a-cross-between-strains-of-different~~
4 ~~parentage-and-involving-inbred-lines-of-corn-and-(or)-their~~
5 ~~combinations~~ falls within the definition of hybrid in section
6 199.1. Any corn sold as "hybrid" shall have plainly printed
7 or marked on the label or container in which such the corn
8 is sold the identifying symbols or numbers, clearly indicating
9 the specific combination. ~~The-cross-mentioned-above-shall~~
10 ~~be-produced-by-cross-fertilization,-controlled-either-by-hand~~
11 ~~or-detasseling-at-the-proper-time-~~

12 Sec. 6. Section 199.7, unnumbered paragraph 1, Code 1981,
13 is amended to read as follows:

14 The classes of certified seed ~~shall-be~~ are breeder,
15 foundation, registered, and certified and shall be recognized
16 by the certifying agency.

17 Sec. 7. Section 199.8, Code 1981, is amended by striking
18 the section and inserting in lieu thereof the following:

19 199.8 PROHIBITED ACTS.

20 1. It is unlawful for a person to sell, transport, offer
21 for sale, expose for sale, or advertise an agricultural or
22 vegetable seed:

23 a. Unless the test to determine the percentage of germina-
24 tion as required by this chapter has been completed within
25 nine months, excluding the month of the test, immediately
26 prior to selling, transporting, offering, exposing, or
27 advertising for sale. A test or retest is not required for
28 seed in hermetically sealed containers or packages provided
29 they have not reached the thirty-six month expiration date.

30 b. Not labeled in accordance with the provisions of this
31 chapter, or having a false or misleading label.

32 c. For which there has been false or misleading
33 advertising.

34 d. Consisting of or containing primary noxious weed seed,
35 subject to recognized tolerances.

- 1 e. Consisting of or containing secondary noxious weed
2 seed per weight unit in excess of the number prescribed by
3 rules adopted under this chapter, or in excess of the number
4 declared on the label attached to the container of the seed
5 or associated with the seed.
- 6 f. Containing more than one and one-half percent by weight
7 of all weed seed.
- 8 g. If any labeling, advertising, or other representation
9 subject to this chapter represents the seed to be certified
10 seed or any class thereof, unless:
- 11 (1) It has been determined by a seed certifying agency
12 that the seed conforms to standards of varietal purity and
13 identity as to kind in compliance with the rules and
14 regulations of the agency.
- 15 (2) The seed bears an official label issued for the seed
16 by a seed certifying agency stating that the seed is of a
17 specified class and a specified kind or variety.
- 18 h. Labeled with a variety name but not certified by an
19 official seed certifying agency when it is a variety for which
20 a United States certificate of plant variety protection under
21 the Plant Variety Protection Act, 7 U.S.C. sec. 2321 et. seq.,
22 specifies sale only as a class of certified seed. Seed from
23 a certified lot may be labeled as to variety name and used
24 in a blend, by or with the approval of the owner of the
25 variety.
- 26 2. It is unlawful for a person to:
- 27 a. Detach, alter, deface, or destroy a label provided
28 for in this chapter or the rules adopted under this chapter,
29 or to alter or substitute seed in a manner that may defeat
30 the purpose of this chapter.
- 31 b. Disseminate false or misleading advertisements concern-
32 ing seed subject to this chapter.
- 33 c. Hinder or obstruct in any way an authorized person
34 in the performance of duties under this chapter.
- 35 d. Fail to comply with a "stop sale" order or to move

1 or otherwise handle or dispose of any lot of seed held under
2 a "stop sale" order or tags attached thereto, except with
3 express permission of the enforcing officer, and for the
4 purpose specified thereby.

5 e. Use the word "trace" as a substitute for any statement
6 which is required.

7 f. Use the word "type" in labeling in connection with
8 the name of an agricultural seed variety.

9 3. It is unlawful for a person to sell, transport, offer
10 for sale, expose for sale, or advertise screenings of any
11 agricultural seed subject to this chapter, unless it is stated
12 on the label if in containers or on the invoice if in bulk,
13 that they are not intended for seeding purposes. For the
14 purpose of this subsection, "screenings" includes chaff, empty
15 florets, immature seed, weed seed, inert matter, and other
16 materials removed by cleaning from any agricultural seed
17 subject to this chapter.

18 Sec. 8. Section 199.9, Code 1981, is amended to read as
19 follows:

20 199.9 EXEMPTIONS.

21 1. ~~The provisions of sections~~ Sections 199.3 and 199.8
22 do not apply-- to:

23 a. ~~To seed~~ Seed or grain not intended for sowing purposes.

24 b. ~~To seed~~ Seed in storage in, or consigned to, or for
25 sale to, a seed cleaning or ~~preessing~~ conditioning
26 establishment for cleaning or ~~preessing~~ conditioning; provided
27 that any labeling or other representation which ~~may be~~ is
28 made with respect to the ~~unclean or unconditioned~~ seed shall
29 ~~be~~ is subject to this chapter.

30 c. A carrier in respect to seed transported or delivered
31 for transportation in the ordinary course of its business
32 as a carrier provided that the carrier is not engaged in
33 producing, conditioning, or marketing seed, and subject to
34 this chapter.

35 2. ~~No~~ A person shall be ~~is not~~ subject to the penalties

1 of this chapter, for having sold, offered or exposed for sale
 2 in this state any agricultural seeds, which were incorrectly
 3 labeled or represented as to kind, species, variety, type,
 4 or origin ~~which~~ when those seeds cannot be identified by
 5 examination thereof, unless he the person has failed to obtain
 6 an invoice or genuine grower's declaration giving kind, or
 7 kind-and-variety, or kind-and-type, and origin, if required
 8 and to take such other precautions as shown by the records
 9 of purchase. ~~The provisions of section 199.7 shall not be~~
 10 ~~interpreted to restrict the color of the container or other~~
 11 labeling information and to take other precautions as
 12 reasonable to ensure the identity. A genuine grower's
 13 declaration of variety shall affirm that the grower holds
 14 records of proof concerning parent seed such as invoices and
 15 labels.

16 Sec. 9. Section 199.10, subsection 1, unnumbered paragraph
 17 1, Code 1981, is amended to read as follows:

18 Seed lots of all kinds of agricultural seed, ~~except seed~~
 19 ~~corn~~, intended for sale in this state shall be tested in
 20 accordance with the ~~Association~~ association of ~~Official Seed~~
 21 ~~Analysts~~ official seed analysts' rules for testing seed or
 22 the ~~rules and~~ regulations under the federal Seed Act. The
 23 tests required shall be:

24 Sec. 10. Section 199.10, subsection 2, Code 1981, is
 25 amended by striking the subsection.

26 Sec. 11. Section 199.10, subsection 3, paragraph a, Code
 27 1981, is amended by striking the paragraph.

28 Sec. 12. Section 199.12, Code 1981, is amended to read
 29 as follows:

30 199.12 SEIZURE OF UNLAWFUL SEED. Upon the recommendation
 31 of the ~~state secretary of agriculture or his~~ the secretary's
 32 duly authorized agents, the court of competent jurisdiction
 33 in the area in which the seed is located shall cause the
 34 seizure and subsequent denaturing, ~~precessing~~ conditioning,
 35 or destruction to prevent the use for sowing purposes of any

1 lot of agricultural seed found to be prohibited from sale
2 as set forth in section 199.8, ~~subsection-1, paragraphs-"d"~~
3 ~~and-"e", and subsection-2,~~ provided, that in no instance shall
4 the denaturing, preprocessing conditioning, or destruction be
5 ordered without first having given the claimant of said the
6 seed an opportunity to apply to said the court for the release
7 of said the seed.

8 Sec. 13. Section 199.13, Code 1981, is amended to read
9 as follows:

10 199.13 PENALTY. Every A violation of the provisions of
11 this chapter shall be deemed is a simple misdemeanor. The
12 department of agriculture ~~through its duly authorized agent~~
13 ~~or agents,~~ may institute criminal or civil proceedings in
14 a court of competent jurisdiction to enforce ~~the provisions~~
15 ~~of this chapter.~~ When in the performance of the secretary's
16 duties in enforcing this chapter the secretary applies to
17 a court for a temporary or permanent injunction restraining
18 a person from violating or continuing to violate any of the
19 provisions of this chapter or rules adopted under this chapter,
20 the injunction is to be issued without bond and the person
21 restrained by the injunction shall pay the costs made necessary
22 by the procedure.

23 Sec. 14. Section 199.15, Code 1981, is amended to read
24 as follows:

25 199.15 PERMIT NUMBER--FEE--FRAUD. No A person shall not
26 sell, distribute, advertise, solicit orders for, offer or
27 expose for sale, any agricultural or vegetable seed without
28 first obtaining from the department a permit number to engage
29 in such the business. No A permit number shall be is not
30 required of persons selling seeds, including seed corn, which
31 has have been packed and distributed by a seedman person
32 holding and having in force a permit number as herein provided.
33 No A permit number shall be is not required of persons selling,
34 ~~offering or exposing for sale~~ seed of their own production,
35 provided that such the seed is stored or delivered to a

1 purchaser only on or from the farm or premises where grown.
 2 The fee for each a new permit number-shall-be-five is ten
 3 dollars per-annum; and the fee for a renewed permit is based
 4 on the gross annual sales of seeds in Iowa during the previous
 5 twelve-month period under the permit holder's label and all
 6 permit-numbers-shall permits expire on the first day of July
 7 following date of issue. Permits shall be issued subject
 8 to the following fee schedule:

9	<u>Gross sales of seeds</u>	<u>Fee</u>
10	<u>Not more than</u> \$ 25,000	\$10
11	<u>Over \$25,000 but not exceeding</u> 50,000	20
12	<u>Over \$50,000 but not exceeding</u> 100,000	30
13	<u>Over \$100,000 but not exceeding</u> 200,000	40
14	<u>For each additional increment of one hundred thousand dollars</u>	
15	<u>of sales in Iowa the fee shall increase by ten dollars. The</u>	
16	<u>fee shall not exceed one thousand dollars for a permit holder.</u>	

17 PARAGRAPH DIVIDED. After due notice given at least ten
 18 days prior to a date of hearing fixed by the secretary of
 19 agriculture, the department may revoke or refuse to renew
 20 any a permit issued under ~~the authority of~~ this section, if
 21 a violation of this chapter or if intent to defraud is
 22 established. The failure to fulfill any a contract to
 23 repurchase the seed crop produced from any agricultural seed,
 24 ~~either than hybrid seed corn,~~ if the same crop meets the
 25 requirements set forth in the contract and the standards
 26 specified in this chapter, ~~shall-be is~~ prima-facie evidence
 27 of intent to defraud the purchaser at the time of entering
 28 into the contract. However, this does not apply when seed
 29 stock is furnished by the contractor to the grower at no cost.

30 Sec. 15. Section 199.16, Code 1981, is amended to read
 31 as follows:

32 199.16 PERMIT HOLDER'S BOND. It ~~shall-be is~~ unlawful
 33 for the holder of any permit to enter into a contract with
 34 a ~~purchaser-of-any~~ person who purchases agricultural seed
 35 ~~either than hybrid seed corn,~~ whereby the permit holder agrees

1 to repurchase the seed crop produced ~~therefrom~~ from the
2 purchased seed at a price in excess of the current market
3 price at time of delivery, unless the permit holder shall
4 have has on file with the department of agriculture a bond,
5 in a penal sum of ~~ten~~ twenty-five thousand dollars running
6 to the state of Iowa, with sureties approved by the secretary
7 of agriculture, for the use and benefit of ~~any purchaser of~~
8 seed the person holding ~~such a~~ the contract who might have
9 a cause of action of any nature arising from ~~or out of such~~
10 the purchase or agreement, provided, however, that contract.
11 However, the aggregate liability of the surety to ~~all such~~
12 purchasers the person shall, ~~in no event,~~ not exceed the sum
13 of such the bond, ~~and provided, further, however, that any~~
14 ~~permit holder may, upon the filing of a notarized and detailed~~
15 ~~financial statement, request that such showing be accepted~~
16 ~~in lieu of the bond and ask to be exonerated from the filing~~
17 ~~of the bond herein required. If, after considering the~~
18 ~~financial statement and any other evidence submitted, the~~
19 ~~secretary of agriculture finds that the applicant permit~~
20 ~~holder is accountable for the performance of such contract~~
21 ~~obligations the notarized financial statement shall be filed~~
22 ~~in lieu of the bond and applicant shall be so advised by~~
23 ~~registered mail.~~

24 Sec. 16. Chapter 199, Code 1981, is amended by adding
25 the following new section:

26 NEW SECTION. A person whose name appears on the label
27 as handling agricultural or vegetable seed subject to this
28 chapter shall keep for a period of two years complete records
29 of each lot of agricultural or vegetable seed handled and
30 shall keep for one year a file sample of each lot of seed
31 after final disposition of the lot. The records and samples
32 pertaining to the shipments involved shall be accessible for
33 inspection by the department during the customary business
34 hours.

35

EXPLANATION

1 This bill revises chapter 199 to reflect changes that have
2 occurred in the production and sale of agricultural seed.
3 It provides a definition for hybrid seed corn. It changes
4 the technical advisor to the secretary from the state botanist
5 to the dean of agriculture of Iowa state university or the
6 dean's designee. It allows the secretary to seek an injunction
7 against a person violating any of the provisions of the chapter
8 with costs to be paid by the violator. It also provides a
9 schedule of fees for a permit to sell agricultural seed based
10 on the gross sales for the previous twelve-month period by
11 the holder of a permit. It requires all permit holders who
12 contract for the purchase of agricultural seed to file a bond
13 of twenty-five thousand dollars with the department.

14 This bill takes effect July 1 following its enactment.

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SENATE 3
MARCH 8, 1982

SENATE FILE 2221

S-5201

Amend Senate File 2221 as follows:

1. Page 6, by striking lines 32 and 33 and inserting in lieu thereof the following:
"g. The name and rate of occurrence per unit of weight of each kind of secondary noxious weed seed present."
2. Page 9, by striking lines 6 through 9 and inserting in lieu thereof the following: "199.1. Any-corn-sold-as-~~hybrid~~-shall-have-plainly-printed or-marked-on-the-label-or-container-in-which-such corn-is-sold-the-identifying-symbols-or-numbers, clearly-indicating-the-specific-combination.--The cross-mentioned-above-shall".

S-5201 FILED

BY ARNE WALDSTEIN

MARCH 5, 1982

Adopted 3/12 (p. 702)

SENATE FILE 2221

S-5198

Amend Senate File 2221 as follows:

1. Page 6, line 33, by inserting before the word "noxious" the word "secondary".

S-5198 FILED

BY ARNE WALDSTEIN

MARCH 4, 1982

Repealed out of order 3/12 (p. 702)

SENATE FILE 2221

S-5234

Amend Senate File 2221 as follows:

1. Page 14, line 16, by striking the words "one thousand" and inserting in lieu thereof the words "five hundred".

S-5234 FILED

BY C. JOSEPH COLEMAN

MARCH 11, 1982

ARNE WALDSTEIN

Adopted 3/12 (p. 702)

BILL HUTCHINS

STATE OF IOWA
FISCAL NOTE

Request No. 82-322

In compliance with a written request received March 17, 19 82, there is hereby submitted a Fiscal Note for S.P. 2221 as amended pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

Senate File 2221, as amended, is an Act relating to the regulation of agricultural and vegetable seed.

Senate File 2221 as amended changes from five to ten dollars the fee for a new permit for selling, distributing, or advertising agricultural or vegetable seed. It also creates the provision that the fee for renewed permits will be based on the gross annual sales for the previous year. These permits will be issued subject to the following fee schedule:

<u>Gross sales of seeds</u>		<u>Fee</u>
Not more than	\$ 25,000	\$10
Over \$25,000 but not exceeding	50,000	20
Over \$50,000 but not exceeding	100,000	30
Over \$100,000 but not exceeding	200,000	40

For each additional increment of one hundred thousand dollars of sales in Iowa the fee shall increase by ten dollars. The fee shall not exceed five hundred dollars for a permit holder.

The fiscal impact of this can be calculated only to a limited extent. A good average over a period of years has been 660 seed permit holders. Raising the minimum charged for the permits from five to ten dollars will increase annual revenues from \$3,300 to \$6,600. The \$3,300 increase is the lowest estimate which assumes all permits are issued those whose gross sales of seeds are under \$25,000. The Department of Agriculture estimates the revenue to be generated from the new fee schedule at \$56,860. The general economy, price of seed, kind of seed, and the number of seed permits will all influence the amount of revenue generated.

It is anticipated that present field auditors will be able to check the records of permit holders gross volume of sales at no additional cost.

Source: Department of Agriculture

FILED MARCH 31, 1982 BY GERRY RANKIN, Fiscal Director

Agriculture: Cook, Chair: Corey and Knapp.

Amended per 5536 & Co Pass 3/24 (p. 988)

SENATE FILE 2221

BY COMMITTEE ON AGRICULTURE

(AS AMENDED AND PASSED BY THE SENATE MARCH 12, 1982)

Re Passed Senate, Date 4-19-82 (p. 1274) Passed House, Date 4-13-82 (p. 1414)

Vote: Ayes 46 Nays 0 Vote: Ayes 94 Nays 0

Approved May 13, 1982

*Reported House no further amendment by Senate
4-22-82 (p. 1670)*

76-0

A BILL FOR

1 An Act relating to the regulation of agricultural and
2 vegetable seed, and relating to penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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 = New Language
by the Senate

1 Section 1. Section 199.1, Code 1981, is amended by striking
2 the section and inserting in lieu thereof the following:

56713 199.1 DEFINITIONS. For the purpose of this chapter or
5671 4 as used in labeling of seed:

5 1. "Person" means an individual, partnership, corporation,
6 company, society, or association.

7 2. "Agricultural seed" means grass, forage, cereal, oil,
8 fiber, and any other kind of crop seed commonly recognized
9 within this state as agricultural seed, lawn seed, vegetable
10 seed, or seed mixtures. Agricultural seed may include any
11 additional seed the secretary designates by rules.

12 3. "Vegetable seed" means the crops which are grown in
13 gardens or truck farms and are generally sold under the name
14 of vegetable or herb seed in this state.

15 4. "Weed seed" means seed of all plants commonly recognized
16 as weeds within this state, including noxious weed seed.

17 5. Noxious weed seed shall be divided into two classes,
18 "primary noxious weed seed" and "secondary noxious weed seed"
19 which are defined in paragraphs a and b of this subsection.
20 The secretary, upon the recommendation of the dean of
21 agriculture, Iowa state university of science and technology,
22 shall adopt as a rule, after public hearing, pursuant to
23 chapter 17A, the list of seed classified as "primary noxious
24 weed seed" and "secondary noxious weed seed".

25 a. "Primary noxious weed seed" are the seed of perennial
26 weeds that reproduce by seed and by underground roots or stems
27 and which, when established, are highly destructive and
28 difficult to control in this state by good cultural practices.

29 b. "Secondary noxious weed seed" are the seed of weeds
30 that are very objectionable in fields, lawns, or gardens in
31 this state, but can be controlled by good cultural practices.

32 6. "Purity" means the pure seed percentage by weight,
33 exclusive of inert matter and of other agricultural or weed
34 seed which are distinguishable by their appearance from the
35 crop seed in question.

1 7. "Tolerance" means the allowable deviation from any
2 figure used on a label to designate the percentage of any
3 component or the number of seeds given for the lot in question
4 and is based on the law of normal variation from a mean.
5 The secretary shall prepare tables of tolerances allowable
6 in the enforcement of this chapter and may be guided in the
7 preparation by the regulations under the federal Seed Act,
8 7 C.F.R., sec. 201.59 et. seq.

9 8. "Treated seed" means agricultural seed that has been
10 given an application of a substance, or subjected to a
11 procedure, for which a claim is made or which is designed
12 to reduce, control or repel disease organisms, insects, or
13 other pests which attack seed or seedlings.

14 9. "Coated seed" means seed that has been encapsulated
15 or covered with a substance other than those defined as
16 "inoculated seed" or "treated seed". Pelleted seed is a
17 subclass of "coated seed".

18 10. "Inoculant for leguminous plants" means a bacterial
19 culture, or material containing bacteria, that is represented
20 as causing the formation of nodules and aiding the growth
21 of leguminous plants by the fixation of nitrogen.

22 11. "Inoculated seed" means seed to which has been added
23 a substance containing the cells, spores or mycelia of
24 microorganisms for which a claim is made.

25 12. "Labeling" means all labels and other written, printed,
26 or graphic representations, in any form, accompanying and
27 pertaining to seed, whether in bulk or in containers, and
28 includes invoices.

29 13. "Advertisement" means all representations, other than
30 those on the label, relating to seed within the scope of this
31 chapter.

32 14. "Permit holder" is a person who has obtained a permit
33 from the department as required under sections 199.15 and
34 199.16.

35 15. "Registered seed technologist" is a person who has

1 attained registered membership in the society of commercial
2 seed technologists through qualifying tests and experience
3 as required by this society.

4 16. "Record" means all information relating to a shipment
5 of agricultural seed and includes a file sample of each lot
6 of seed.

7 17. "Kind" means one or more related species or subspecies
8 which singly or collectively are known by one common name.

9 18. "Conditioning" means cleaning to remove chaff, sterile
10 florets, immature seed, weed seed, inert matter, and other
11 crop seed; scarifying; blending to obtain uniform quality;
12 or any other operation which may change the purity or
13 germination of the seed and require retesting to determine
14 the quality of the seed.

15 19. "Cultivar" or "variety" means a cultivated subdivision
16 of a kind of plant that may be characterized by growth habits,
17 fruit, seed, or other characteristics, by which it can be
18 differentiated from other plants of the same kind.

19 20. "Mixture" or "blend" means a combination of seed of
20 more than one kind or variety if present in excess of five
21 percent of the whole.

22 21. "Multiline cultivar" means a planned combination of
23 two or more near-isogenic lines of a normally self-fertilizing
24 kind of crop.

25 22. "Hybrid" means the first generation seed produced
26 by controlled pollination of two inbred lines to produce a
27 single cross; an inbred line and a single cross of two
28 unrelated inbred lines to produce a three-way cross; an inbred
29 line and a single cross of two related lines to produce a
30 modified single cross; two single crosses to produce a double
31 cross; an inbred line or a single cross with an open-pollinated
32 or synthetic cultivar to produce a modified cultivar cross;
33 or a cross of two open-pollinated or synthetic cultivars to
34 produce a cultivar cross. The second or subsequent generation
35 from such crosses are not hybrids. Hybrid designations shall

1 be treated as cultivar names.

2 23. "Certifying agency" means an agency authorized under
3 the laws of a state, territory, or possession to officially
4 certify seed and which has standards and procedures approved
5 by the United States secretary of agriculture to assure genetic
6 purity and identity of the seed certified, or an agency of
7 a foreign country determined by the United States secretary
8 of agriculture to adhere to the procedures and standards for
9 seed certification comparable to those adhered to generally
10 by seed certifying agencies in the United States.

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11 Sec. 2. Section 199.2, Code 1981, is amended to read as
12 follows:

13 199.2 ~~BOTANIST~~ DEAN OF AGRICULTURE AS ADVISOR. The state
14 ~~botanist~~ dean of agriculture of Iowa state university of
15 science and technology or the dean's designee shall be the
16 technical advisor to the secretary in the administration of
17 this chapter.

18 Sec. 3. Section 199.3, Code 1981, is amended by striking
19 the section and inserting in lieu thereof the following:

20 199.3 LABELING OF SEED. Each container of agricultural
21 or vegetable seed which is sold, offered for sale, exposed
22 for sale, or transported within this state shall be labeled
23 according to the following schedule:

24 1. Seed for sowing purposes shall be labeled as follows:

25 a. Agricultural or vegetable seed that is treated,
26 inoculated, or coated shall contain a word or statement
27 indicating that the treatment, inoculation, or coating has
28 been done. A separate label may be used.

29 b. If treated, the label shall indicate the commonly
30 accepted chemical or abbreviated chemical name of the applied
31 substance or substances or a description of the type and
32 purpose of procedure used. If the substance in the amount
33 present with the seed is harmful to human or vertebrate
34 animals, the label shall bear a caution statement such as
35 "Do not use for food, feed, or oil purposes". In addition,

1 for highly toxic substances, a poison statement or symbol
2 shall be shown on the label.

3 c. If the seed is inoculated, the label shall indicate
4 the month and year beyond which the inoculant is not claimed
5 to be effective.

6 d. If the seed is coated, the label shall show the
7 percentage by weight in the container of pure seed, inert
8 matter, coating material, other crop seed, and weed seed.
9 The percentage of germination shall be labeled on the basis
10 of a determination made on at least four hundred pellets or
11 capsules, whether or not they contain seed.

12 e. All seed in package or wrapped form which are required
13 to be labeled, unless otherwise provided, shall conform to
14 the requirements of sections 189.9 and 189.11.

15 2. Except for seed mixtures for lawn or turf purposes,
16 agricultural seed shall bear a label indicating:

17 a. The name of the kind or kind and variety for each
18 agricultural seed present in excess of five percent of the
19 whole and the percentage by weight of each. If the variety
20 of those kinds generally labeled as to variety is not stated,
21 the label shall show the name of the kind and the words,
22 "variety not stated". Hybrids shall be labeled as hybrids.
23 Seed shall not be labeled or advertised under a trademark
24 or brand name in a manner that may create the impression that
25 the trademark or brand name is a variety name.

26 b. Lot number or other lot identification.

27 c. State or foreign country of origin, if known, of alfalfa
28 and red clover. If the origin is unknown, the fact shall
29 be stated.

30 d. Percentage by weight of all weed seed.

31 e. The name and rate of occurrence per unit of weight
32 of each kind of secondary noxious weed seed present.

33 f. Percentage by weight of agricultural seed which may
34 be designated as "other crop seed" other than those required
35 to be named on the label.

- 1 g. Percentage by weight of inert matter.
- 2 h. For each named agricultural seed:
- 3 (1) Percentage of germination, exclusive of hard seed.
- 4 (2) Percentage of hard seed, if present.
- 5 (3) The calendar month and year the test was completed
- 6 to determine the percentages.
- 7 Following (1) and (2), the "total germination and hard
- 8 seed" may be stated as such, if desired.
- 9 i. Name and address of the person who labeled the seed,
- 10 or who sells, offers, or exposes the seed for sale within
- 11 this state.
- 12 3. For seed mixtures for lawn or turf purposes, the label
- 13 shall indicate:
- 14 a. The word "mixed" or "mixture" along with the name of
- 15 the mixture.
- 16 b. The heading "pure seed" and "germination" or "germ"
- 17 where appropriate.
- 18 c. Commonly accepted name of kind or kind and variety
- 19 of each turf seed component in excess of five percent of the
- 20 whole, and the percentage by weight of pure seed in order
- 21 of its predominance and in columnar form.
- 22 d. Name and percentage by weight of other agricultural
- 23 seed than those required to be named on the label which shall
- 24 be designated as "other crop seed". If the mixture contains
- 25 no "other crop seed" that fact may be indicated by the words
- 26 "contains no other crop seed".
- 27 e. Percentage by weight of inert matter not to exceed
- 28 ten percent by weight. Foreign material not common to turf
- 29 grass seed shall not be present.
- 30 f. Percentage by weight of all weed seed. Maximum weed
- 31 seed content not to exceed one-half of one percent by weight.
- 32 g. The name and rate of occurrence per unit of weight
- 33 of each kind of secondary noxious weed seed present.
- 34 h. For each turf seed named under paragraph c:
- 35 (1) Percentage of germination, exclusive of hard seed.

1 (2) Percentage of hard seed, if present.

2 (3) Calendar month and year the test was completed to
3 determine such percentages. The oldest current test date
4 applicable to any single kind in the mixture shall appear
5 on the label.

6 i. Name and address of the person who labeled the seed,
7 or who sells, offers, or exposes the seed for sale within
8 the state.

9 4. The labeling requirements for vegetable seed sold from
10 containers of more than one pound shall be deemed to have
11 been met if the seed is weighed from a properly labeled
12 container in the presence of the purchaser. Packets of
13 vegetable seed prepared for use in home gardens or household
14 plantings or vegetable seed in preplanted containers, mats,
15 tapes, or other planting devices, shall bear labels with the
16 following information:

17 a. Name of kind and variety of seed.

18 b. Lot identification.

19 c. The year for which the seed was packed for sale.

20 d. The percentage of germination and the calendar month
21 and year the test to determine such percentage was completed.

22 e. Name and address of the person who labeled the seed
23 or who sells, offers, or exposes the seed for sale within
24 the state.

25 f. For seed which germinate less than the standard last
26 established by the secretary in rules adopted under chapter
27 17A:

28 (1) Percentage of germination, exclusive of hard seed.

29 (2) Percentage of hard seed, if present.

30 (3) The words "below standard" in not less than eight
31 point type.

32 g. For seed placed in a germination medium, mat, tape,
33 or other device in such a way as to make it difficult to
34 determine the quantity of seed without removing the seed from
35 the medium, mat, tape, or device, a statement to indicate

1 the minimum number of seed in the container.

2 5. All other vegetable seed containers shall be labeled,
3 indicating:

4 a. The name of each kind and variety present in excess
5 of five percent and the percentage by weight of each in order
6 of its predominance.

7 b. Lot number or other lot identification.

8 c. For each named vegetable seed:

9 (1) Percentage germination exclusive of hard seed.

10 (2) Percentage of hard seed, if present.

11 (3) The calendar month and year the test was completed
12 to determine such percentages.

13 Following (1) and (2) the "total germination and hard seed"
14 may be stated as such, if desired.

15 d. Name and address of the person who labeled the seed,
16 or who sells, offers, or exposes the seed for sale within
17 the state.

18 6. Seed sold on or from the farm, which are exempt from
19 the permit requirements by section 199.15, shall be labeled
20 on the basis of tests performed by the Iowa state university
21 of science and technology seed laboratory, department of
22 agriculture seed laboratory, or a commercial seed laboratory
23 personally supervised by a registered seed technologist.
24 Tests for labeling shall be as provided in section 199.10.

25 Sec. 4. Section 199.4, Code 1981, is amended to read as
26 follows:

27 199.4 SALES FROM BULK. In case agricultural or vegetable
28 seed is offered or exposed for sale in bulk or sold from bulk,
29 the information required under section 199.3~~7~~-~~subsection-17~~
30 may be supplied by ~~(1)~~ a placard conspicuously displayed with
31 the several required items thereon or ~~(2)~~ a printed or written
32 statement to be furnished to any purchaser of ~~said~~ the seed.

33 Sec. 5. Section 199.5, Code 1981, is amended to read as
34 follows:

35 199.5 HYBRID CORN. It ~~shall-be~~ is unlawful for any person

1 to sell, offer or expose for sale, or falsely mark or tag,
2 within the state any seed corn as hybrid unless it represents
3 ~~the first generation of a cross between strains of different~~
4 ~~parentage and involving inbred lines of corn and (or) their~~
5 ~~combinations~~ falls within the definition of hybrid in section
6 199.1. ~~Any corn sold as "hybrid" shall have plainly printed~~
7 ~~or marked on the label or container in which such corn is~~
8 ~~sold the identifying symbols or numbers, clearly indicating~~
9 ~~the specific combination. The cross mentioned above shall~~
10 ~~be produced by cross fertilization, controlled either by hand~~
11 ~~or detasseling at the proper time.~~

12 Sec. 6. Section 199.7, unnumbered paragraph 1, Code 1981,
13 is amended to read as follows:

14 The classes of certified seed shall be are breeder,
15 foundation, registered, and certified and shall be recognized
16 by the certifying agency.

17 Sec. 7. Section 199.8, Code 1981, is amended by striking
18 the section and inserting in lieu thereof the following:

19 199.8 PROHIBITED ACTS.

20 1. It is unlawful for a person to sell, transport, offer
21 for sale, expose for sale, or advertise an agricultural or
22 vegetable seed:

23 a. Unless the test to determine the percentage of germina-
24 tion as required by this chapter has been completed within
25 nine months, excluding the month of the test, immediately
26 prior to selling, transporting, offering, exposing, or
27 ⁵⁶⁰⁹ advertising for sale. A test or retest is not required for
28 seed in hermetically sealed containers or packages provided
29 they have not reached the thirty-six month expiration date.

30 b. Not labeled in accordance with the provisions of this
31 chapter, or having a false or misleading label.

32 c. For which there has been false or misleading
33 advertising.

34 d. Consisting of or containing primary noxious weed seed,
35 subject to recognized tolerances.

1 e. Consisting of or containing secondary noxious weed
2 seed per weight unit in excess of the number prescribed by
3 rules adopted under this chapter, or in excess of the number
4 declared on the label attached to the container of the seed
5 or associated with the seed.

6 f. Containing more than one and one-half percent by weight
7 of all weed seed.

8 g. If any labeling, advertising, or other representation
9 subject to this chapter represents the seed to be certified
10 seed or any class thereof, unless:

11 (1) It has been determined by a seed certifying agency
12 that the seed conforms to standards of varietal purity and
13 identity as to kind in compliance with the rules and
14 regulations of the agency.

15 (2) The seed bears an official label issued for the seed
16 by a seed certifying agency stating that the seed is of a
17 specified class and a specified kind or variety.

18 h. Labeled with a variety name but not certified by an
19 official seed certifying agency when it is a variety for which
20 a United States certificate of plant variety protection under
21 the Plant Variety Protection Act, 7 U.S.C. sec. 2321 et. seq.,
22 specifies sale only as a class of certified seed. Seed from
23 a certified lot may be labeled as to variety name and used
24 in a blend, by or with the approval of the owner of the
25 variety.

26 2. It is unlawful for a person to:

27 a. Detach, alter, deface, or destroy a label provided
28 for in this chapter or the rules adopted under this chapter,
29 or to alter or substitute seed in a manner that may defeat
30 the purpose of this chapter.

31 b. Disseminate false or misleading advertisements concern-
32 ing seed subject to this chapter.

33 c. Hinder or obstruct in any way an authorized person
34 in the performance of duties under this chapter.

35 d. Fail to comply with a "stop sale" order or to move

1 or otherwise handle or dispose of any lot of seed held under
2 a "stop sale" order or tags attached thereto, except with
3 express permission of the enforcing officer, and for the
4 purpose specified thereby.

5 e. Use the word "trace" as a substitute for any statement
6 which is required.

7 f. Use the word "type" in labeling in connection with
8 the name of an agricultural seed variety.

9 3. It is unlawful for a person to sell, transport, offer
10 for sale, expose for sale, or advertise screenings of any
11 agricultural seed subject to this chapter, unless it is stated
12 on the label if in containers or on the invoice if in bulk,
13 that they are not intended for seeding purposes. For the
14 purpose of this subsection, "screenings" includes chaff, empty
15 florets, immature seed, weed seed, inert matter, and other
16 materials removed by cleaning from any agricultural seed
17 subject to this chapter.

18 Sec. 8. Section 199.9, Code 1981, is amended to read as
19 follows:

20 199.9 EXEMPTIONS.

21 1. ~~The provisions of sections~~ Sections 199.3 and 199.8
22 do not apply-- to:

23 a. ~~Te seed~~ Seed or grain not intended for sowing purposes.

24 b. ~~Te seed~~ Seed in storage in, or consigned to, or for
25 sale to, a seed cleaning or ~~processing~~ conditioning
26 establishment for cleaning or ~~preessing~~ conditioning; provided
27 that any labeling or other representation which ~~may-be~~ is
28 made with respect to the unclean or unconditioned seed ~~shall~~
29 be is subject to this chapter.

30 c. A carrier in respect to seed transported or delivered
31 for transportation in the ordinary course of its business
32 as a carrier provided that the carrier is not engaged in
33 producing, conditioning, or marketing seed, and subject to
34 this chapter.

35 2. ~~No~~ A person ~~shall-be~~ is not subject to the penalties

1 of this chapter, for having sold, offered or exposed for sale
 2 in this state any agricultural seeds, which were incorrectly
 3 labeled or represented as to kind, species, variety, type,
 4 or origin ~~which~~ when those seeds cannot be identified by
 5 examination ~~thereof~~, unless he the person has failed to obtain
 6 an invoice or genuine grower's declaration ~~giving-kind,-or~~
 7 ~~kind-and-variety,-or-kind-and-type,-and-origin,-if-required~~
 8 ~~and-to-take-such-other-precautions-as-shown-by-the-records~~
 9 ~~of-purchase,-The-provisions-of-section-199.7-shall-not-be~~
 10 ~~interpreted-to-restrict-the-color-of-the-container~~ or other
 11 labeling information and to take other precautions as
 12 reasonable to ensure the identity. A genuine grower's
 13 declaration of variety shall affirm that the grower holds
 14 records of proof concerning parent seed such as invoices and
 15 labels.

16 Sec. 9. Section 199.10, subsection 1, unnumbered paragraph
 17 1, Code 1981, is amended to read as follows:

18 Seed lots of all kinds of agricultural seed, ~~except seed~~
 19 ~~corn,~~ intended for sale in this state shall be tested in
 20 accordance with the ~~Association~~ association of ~~Official Seed~~
 21 ~~Analysts~~ official seed analysts' rules for testing seed or
 22 the ~~rules-and~~ regulations under the federal Seed Act. The
 23 tests required shall be:

24 Sec. 10. Section 199.10, subsection 2, Code 1981, is
 25 amended by striking the subsection.

26 Sec. 11. Section 199.10, subsection 3, paragraph a, Code
 27 1981, is amended by striking the paragraph.

28 Sec. 12. Section 199.12, Code 1981, is amended to read
 29 as follows:

30 199.12 SEIZURE OF UNLAWFUL SEED. Upon the recommendation
 31 of the ~~state secretary of agriculture~~ or ~~his~~ the secretary's
 32 duly authorized agents, the court of competent jurisdiction
 33 in the area in which the seed is located shall cause the
 34 seizure and subsequent denaturing, ~~processing~~ conditioning,
 35 or destruction to prevent the use for sowing purposes of any

1 lot of agricultural seed found to be prohibited from sale
2 as set forth in section 199.8, ~~subsection-17-paragraphs-"a"~~
3 ~~and-"e",-and-subsection-2,~~ provided, that in no instance shall
4 the denaturing, processing conditioning, or destruction be
5 ordered without first having given the claimant of ~~said~~ the
6 seed an opportunity to apply to ~~said~~ the court for the release
7 of ~~said~~ the seed.

8 Sec. 13. Section 199.13, Code 1981, is amended to read
9 as follows:

10 199.13 PENALTY. Every A violation of the-provisions-of
11 this chapter shall-be-deemed is a simple misdemeanor. The
12 department of agriculture ~~through-its-duty-authorized-agent~~
13 ~~or-agents,~~ may institute criminal or civil proceedings in
14 a court of competent jurisdiction to enforce ~~the-provisions~~
15 ~~of~~ this chapter. When in the performance of the secretary's
16 duties in enforcing this chapter the secretary applies to
17 a court for a temporary or permanent injunction restraining
18 a person from violating or continuing to violate any of the
19 provisions of this chapter or rules adopted under this chapter,
20 the injunction is to be issued without bond and the person
21 restrained by the injunction shall pay the costs made necessary
22 by the procedure.

23 Sec. 14. Section 199.15, Code 1981, is amended to read
24 as follows:

5091
25 199.15 PERMIT NUMBER--FEE--FRAUD. No A person shall not
26 sell, distribute, advertise, solicit orders for, offer or
27 expose for sale, any agricultural or vegetable seed without
28 first obtaining from the department a permit number to engage
29 in such the business. No A permit number-shall-be is not
30 required of persons selling seeds,-including-seed-corn, which
31 has have been packed and distributed by a seedsman person
32 holding and having in force a permit number-as-herein-provided.
33 No A permit number-shall-be is not required of persons selling,
34 ~~offering-or-exposing-for-sale~~ seed of their own production,
35 provided that such the seed is stored or delivered to a

1 purchaser only on or from the farm or premises where grown.
 2 The fee for each a new permit number-shall-be-five is ten
 3 dollars per-annum, and the fee for a renewed permit is based
 4 on the gross annual sales of seeds in Iowa during the previous
 5 twelve-month period under the permit holder's label and all
 6 permit-numbers-shall permits expire on the first day of July
 7 following date of issue. Permits shall be issued subject
 8 to the following fee schedule:

9	<u>Gross sales of seeds</u>	<u>Fee</u>
10	<u>Not more than</u> \$ 25,000	<u>\$10</u>
11	<u>Over \$25,000 but not exceeding</u> 50,000	<u>20</u>
12	<u>Over \$50,000 but not exceeding</u> 100,000	<u>30</u>
13	<u>Over \$100,000 but not exceeding</u> 200,000	<u>40</u>
14	<u>For each additional increment of one hundred thousand dollars</u>	
15	<u>of sales in Iowa the fee shall increase by ten dollars. The</u>	
16	<u>fee shall not exceed five hundred dollars for a permit holder.</u>	

17 PARAGRAPH DIVIDED. After due notice given at least ten
 18 days prior to a date of hearing fixed by the secretary of
 19 agriculture, the department may revoke or refuse to renew
 20 any a permit issued under the-authority-of this section, if
 21 a violation of this chapter or if intent to defraud is
 22 established. The failure to fulfill any a contract to
 23 repurchase the seed crop produced from any agricultural seed,
 24 ether-than-hybrid-seed-corn, if the same crop meets the
 25 requirements set forth in the contract and the standards
 26 specified in this chapter, shall-be is prima-facie evidence
 27 of intent to defraud the purchaser at the time of entering
 28 into the contract. However, this does not apply when seed
 29 stock is furnished by the contractor to the grower at no cost.

30 Sec. 15. Section 199.16, Code 1981, is amended to read
 31 as follows:

32 199.16 PERMIT HOLDER'S BOND. It shall-be is unlawful
 33 for the holder of any permit to enter into a contract with
 34 a purchaser-of-any person who purchases agricultural seed
 35 ether-than-hybrid-seed-corn, whereby the permit holder agrees

1 to repurchase the seed crop produced ~~therefrom~~ from the
2 purchased seed at a price in excess of the current market
3 price at time of delivery, unless the permit holder ~~shall~~
4 have has on file with the department of ~~agriculture~~ a bond,
5 in a penal sum of ~~ten~~ twenty-five thousand dollars running
6 to the state of Iowa, with sureties approved by the secretary
7 ~~of agriculture~~, for the use and benefit of ~~any purchaser of~~
8 seed the person holding ~~such a~~ the contract who might have
9 a cause of action of any nature arising from ~~or out of such~~
10 the purchase or agreement, ~~provided, however, that~~ contract.
11 However, the aggregate liability of the surety to ~~all such~~
12 ~~purchasers~~ the person shall, ~~in no event,~~ not exceed the sum
13 of ~~such~~ the bond, ~~and provided, further, however, that any~~
14 ~~permit holder may, upon the filing of a notarized and detailed~~
15 ~~financial statement, request that such showing be accepted~~
16 ~~in lieu of the bond and ask to be exonerated from the filing~~
17 ~~of the bond herein required. If, after considering the~~
18 ~~financial statement and any other evidence submitted, the~~
19 ~~secretary of agriculture finds that the applicant permit~~
20 ~~holder is accountable for the performance of such contract~~
21 ~~obligations the notarized financial statement shall be filed~~
22 ~~in lieu of the bond and applicant shall be so advised by~~
23 ~~registered mail.~~

24 Sec. 16. Chapter 199, Code 1981, is amended by adding
25 the following new section:

26 NEW SECTION. A person whose name appears on the label
27 as handling agricultural or vegetable seed subject to this
28 chapter shall keep for a period of two years complete records
29 of each lot of agricultural or vegetable seed handled and
30 shall keep for one year a file sample of each lot of seed
31 after final disposition of the lot. The records and samples
32 pertaining to the shipments involved shall be accessible for
33 inspection by the department during the customary business
34 hours.

35

SENATE FILE 2221

5691

1 Amend House Amendment H-5536 to Senate File 2221
2 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 1, by striking lines 3 through 29 and
5 inserting in lieu thereof the following:

6 "1. Page 1, by striking lines 15 and 16 and
7 inserting in lieu thereof the following:

8 "4. "weed seed" means the seed of all plants
9 listed as weeds in this chapter or listed as weeds
10 in the rules of the department."

11 2. Page 1, line 28, by inserting after the word
12 "practices." the following: "For the purpose of this
13 chapter and the sale of seed, primary noxious weeds
14 in this state are the seeds of:

15 (1) Quack grass--*Agropyron repens* (L.) Beauv.
16 (2) Canada thistle--*Cirsium arvense* (L.) Scop.
17 (3) Perennial sow thistle--*Sonchus arvensis* L.
18 (4) Perennial pepper grass (hoary cress)--*Cardaria*
19 *draba* (L.) Desv.

20 (5) European morning-glory (field bindweed)--
21 *Convolvulus arvensis* L.

22 (6) Horse nettle--*Solanum carolinense* L.

23 (7) Leafy spurge--*Euphorbia esula* L.

24 (8) Russian knapweed--*Centaurea repens* L."

25 3. Page 1, line 31, by inserting after the word
26 "practices." the following: "For the purpose of this
27 chapter and the sale of seed, the secondary noxious
28 weed seeds in this state are the seeds of:

29 (1) Wild carrot--*Daucus carota* L.
30 (2) Sour dock (curly dock)--*Rumex crispus* L.
31 (3) Smooth dock--*Rumex altissimus* Wood.
32 (4) Sheep sorrel (red sorrel)--*Rumex acetosella*
33 L.

34 (5) Butterprint (velvet leaf)--*Abutilon theophrasti*
35 Medic.

36 (6) Mustards--*Brassica juncea* (L.) Coss., *Sinapis*
37 *arvensis* L. and *B. nigra* (L.) Koch.

38 (7) Cocklebur--*Xanthium strumarium* L.

39 (8) Buckhorn--*Plantago lanceolata* L.

40 (9) Dodders--*Cuscuta* species.

41 (10) Giant foxtail--*Setaria faberii* Herrm.

42 (11) Poison hemlock--*Conium maculatum*.

43 (12) Wild sunflower--Wild strain of *Helianthus*
44 *annus* (L.)

45 (13) Puncture vine--*Tribulus terrestris*."

46 4. Page 8, line 18, by striking the word "are"
47 and inserting in lieu thereof the word "is".

48 5. Page 13, line 33, by inserting after the word
49 "selling" the words "or advertising"."

SENATE FILE 2221

H-5677

1 Amend House Amendment H-5536 to Senate File 2221
 2 as amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by striking lines 3 through 27 and
 5 inserting in lieu thereof the following:
 6 "1. Page 1, line 28, by inserting after the word
 7 "practices." the following: "For the purpose of this
 8 chapter and the sale of seed, primary noxious weeds
 9 in this state are the seeds of:
 10 (1) Quack grass--*Agropyron repens* (L.) Beauv.
 11 (2) Canada thistle--*Cirsium arvense* (L.) Scop.
 12 (3) Perennial sow thistle--*Sonchus arvensis* L.
 13 (4) Perennial pepper grass (hoary cress)--*Cardaria*
 14 *draba* (L.) Desv.
 15 (5) European morning-glory (field bindweed)--
 16 *Convolvulus arvensis* L.
 17 (6) Horse nettle--*Solanum carolinense* L.
 18 (7) Leafy spurge--*Euphorbia esula* L.
 19 (8) Russian knapweed--*Centaurea repens* L.
 20 2. Page 1, line 31, by inserting after the word
 21 "practices." the following: "For the purpose of this
 22 chapter and the sale of seed, the secondary noxious
 23 weed seeds in this state are the seeds of:
 24 (1) Wild carrot--*Daucus carota* L.
 25 (2) Sour dock (curly dock)--*Rumex crispus* L.
 26 (3) Smooth dock--*Rumex altissimus* Wood.
 27 (4) Sheep sorrel (red sorrel)--*Rumex acetosella*
 28 L.
 29 (5) Butterprint (velvet leaf)--*Abutilon theophrasti*
 30 Medic.
 31 (6) Mustards--*Brassica juncea* (L.) Coss., *Sinapis*
 32 *arvensis* L. and *B. nigra* (L.) Koch.
 33 (7) Cocklebur--*Xanthium strumarium* L.
 34 (8) Buckhorn--*Plantago lanceolata* L.
 35 (9) Dodders--*Cuscuta* species.
 36 (10) Giant foxtail--*Setaria faberii* Herrm.
 37 (11) Poison hemlock--*Conium maculatum*.
 38 (12) Wild sunflower--Wild strain of *Helianthus*
 39 *annus* (L.)
 40 (13) Puncture vine--*Tribulus terrestris*."

H-5677 FILED APRIL 2, 1982

BY SCHROEDER of Pottawattamie

H/S 4/2 (p. 12/9)

SENATE FILE 2221

H-5536

1 Amend Senate File 2221 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 28, by inserting after the word
4 "practices." the following: "Primary noxious weeds
5 in this state are the seeds of:
6 (1) Quack grass--Agropyron repens
7 (2) Canada thistle--Cirsium arvense
8 (3) Perennial sow thistle--Sonchus arvensis
9 (4) Perennial pepper grass--Lepidium draba
10 (5) European morning glory (field bindweed)--
11 Convolvulus arvensis
12 (6) Horse nettle--Solanum carolinense
13 (7) Leafy spurge--Euphorbia esula
14 (8) Russian knapweed--Centaurea repens".
15 2. Page 1, line 31, by inserting after the word
16 "practices." the following: "The secondary noxious
17 weed seeds in this state are the seeds of:
18 (1) Wild carrot--Daucus carota
19 (2) Sour dock--Rumex crispus
20 (3) Smooth dock--Rumex altissimus
21 (4) Sheep sorrel--Rumex acetosella
22 (5) Butterprint--Abutilon theophrasti
23 (6) Mustards--Brassica juncea, B. kaber and B.
24 nigra
25 (7) Cocklebur--Xanthium commune
26 (8) Buckhorn--Plantago lanceolata
27 (9) Didders--Custcuta species".
28 3. Page 13, line 33, by inserting after the word
29 "selling" the words "or advertising".

H-5536 FILED
MARCH 24, 1982

BY COMMITTEE ON AGRICULTURE
PELLETT, Chair

Adopted 3/30 (p. 1104)

*Reconsidered
Readopted as amended by 5691 4/13 (p. 1104)*

SENATE FILE 2221

H-5538

1 Amend Senate File 2221, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 14, by striking lines 2 through 16 and
4 inserting in lieu thereof the words "The fee for each
5 a permit ~~number shall be five~~ is ten dollars per
6 ~~annum~~, and all ~~permit numbers shall~~ permits expire
7 on the first day of July following date of issue."

H-5538 FILED MARCH 24, 1982

BY TYRRELL of Iowa

Adopted 3/30 (p. 1104)

SENATE FILE 2221

H-5609

- 1 Amend Senate File 2221 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, by inserting after line 10, the following:
 4 "The Iowa Secretary of Agriculture shall by rule,
 5 define the terms "breeder", "foundation", "registered",
 6 "certified" and "inbred", as used in this Act."
 7 2. Page 9, line 27, by striking the words "test or".

H-5609 FILED
 MARCH 30, 1982

Adopted 4/13 (p. 1414)

BY COOK of Hardin
 SCHROEDER of Pottawattamie
 PELLETT of Cass.

SENATE FILE 2221

H-5673

- 1 Amend House Amendment H-5536 to Senate File 2221
 2 as amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by striking lines 6 through 14 and
 5 inserting in lieu thereof the following:
 6 "(1) Quack grass--Agropyron repens (L.) Beauv.
 7 (2) Canada thistle--Cirsium arvense (L.) Scop.
 8 (3) Perennial sow thistle--Sonchus arvensis L.
 9 (4) Perennial pepper grass (hoary cress)--Cardaria
 10 draba (L.) Desv.
 11 (5) European morning-glory (field bindweed)--
 12 Convolvulus arvensis L.
 13 (6) Horse nettle--Solanum carolinense L.
 14 (7) Leafy spurge--Euphorbia esula L.
 15 (8) Russian knapweed--Centaurea repens L."
 16 2. Page 1, by striking lines 18 through 27 and
 17 inserting in lieu thereof the following:
 18 "(1) Wild carrot--Daucus carota L.
 19 (2) Sour dock (curly dock)--Rumex crispus L.
 20 (3) Smooth dock--Rumex altissimus Wood.
 21 (4) Sheep sorrel (red sorrel)--Rumex acetosella
 22 L.
 23 (5) Butterprint (velvet leaf)--Abutilon theophrasti
 24 Medic.
 25 (6) Mustards--Brassica juncea (L.) Coss., Sinapis
 26 arvensis L. and B. nigra (L.) Koch.
 27 (7) Cocklebur--Xanthium strumarium L.
 28 (8) Buckhorn--Plantago lanceolata L.
 29 (9) Dodders--Cuscuta species
 30 (10) Giant foxtail--Setaria faberii Herrm."

H-5673 FILED APRIL 1, 1982

Placed out of order 4/13 (p. 1414)

BY COOK of Hardin

House Amendment to Senate File 2221

S-5606

1 Amend Senate File 2221 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 15 and 16 and
4 inserting in lieu thereof the following:

5 "4. "Weed seed" means the seed of all plants
6 listed as weeds in this chapter or listed as weeds
7 in the rules of the department."

8 2. Page 1, line 28, by inserting after the word
9 "practices." the following: "For the purpose of this
10 chapter and the sale of seed, primary noxious weeds
11 in this state are the seeds of:

- 12 (1) Quack grass--Agropyron repens (L.) Beauv.
- 13 (2) Canada thistle--Cirsium arvense (L.) Scop.
- 14 (3) Perennial sow thistle--Sonchus arvensis L.
- 15 (4) Perennial pepper grass (hoary cress)--Cardaria
16 draba (L.) Desv.
- 17 (5) European morning-glory (field bindweed)--
18 Convolvulus arvensis L.
- 19 (6) Horse nettle--Solanum carolinense L.
- 20 (7) Leafy spurge--Euphorbia esula L.
- 21 (8) Russian knapweed--Centaurea repens L."

22 3. Page 1, line 31, by inserting after the word
23 "practices." the following: "For the purpose of this
24 chapter and the sale of seed, the secondary noxious
25 weed seeds in this state are the seeds of:

- 26 (1) Wild carrot--Daucus carota L.
- 27 (2) Sour dock (curly dock)--Rumex crispus L.
- 28 (3) Smooth dock--Rumex altissimus Wood.
- 29 (4) Sheep sorrel (red sorrel)--Rumex acetosella
30 L.
- 31 (5) Butterprint (velvet leaf)--Abutilon theophrasti
32 Medic.
- 33 (6) Mustards--Brassica juncea (L.) Coss., Sinapis
34 arvensis L. and B. nigra (L.) Koch.
- 35 (7) Cocklebur--Xanthium strumarium L.
- 36 (8) Buckhorn--Plantago lanceolata L.
- 37 (9) Dodders--Cuscuta species.
- 38 (10) Giant foxtail--Setaria faberii Herrm.
- 39 (11) Poison hemlock--Conium maculatum.
- 40 (12) Wild sunflower--Wild strain of Helianthus
41 annus (L.)
- 42 (13) Puncture vine--Tribulus terrestris."

43 4. Page 4, by inserting after line 10, the
44 following:

45 "The Iowa Secretary of Agriculture shall by rule,
46 define the terms "breeder", "foundation", "registered",
47 "certified" and "inbred", as used in this Act."

48 5. Page 8, line 18, by striking the word "are"
49 and inserting in lieu thereof the word "is".

50 6. Page 9, line 27, by striking the words "test

PAGE 2

1 or".

2 7. Page 13, line 33, by inserting after the word
3 "selling" the words "or advertising".

S-5606 FILED
APRIL 15, 1982

RECEIVED FROM THE HOUSE

Senate amended (5634) & Concurred 4/19 (p. 1274)

SENATE FILE 2221

S-5634

1 Amend the House amendment S-5606 to Senate File
2 2221 as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 7, by inserting after the word
5 "department" the words "or commonly recognized as
6 weeds in this state".

7 2. Page 1, by inserting after line 47 the
8 following:

9 "5. Page 6, by striking lines 27 through 29, and
10 inserting in lieu thereof the following:

11 "e. Percentage by weight of inert matter."

12 6. Page 6, line 31, by striking the words "one-
13 half of".

14 7. Page 7, lines 19 and 20, by striking the words
15 "sale.

16 d. The" and inserting in lieu thereof the words
17 "sale or the"."

18 3. Page 2, by inserting after line 3 the following:

19 "_____. By relettering paragraphs as required by
20 this amendment."

S-5634 FILED

BY ARNE WALDSTEIN

APRIL 16, 1982

Adopted 4/19 (p. 1274)

SENATE AMENDMENT TO HOUSE AMENDMENT
TO SENATE FILE 2221

H-5917

- 1 Amend the House amendment S-5606 to Senate File
- 2 2221 as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 7, by inserting after the word
- 5 "department" the words "or commonly recognized as
- 6 weeds in this state".
- 7 2. Page 1, by inserting after line 47 the
- 8 following:
- 9 "5. Page 6, by striking lines 27 through 29, and
- 10 inserting in lieu thereof the following:
- 11 "e. Percentage by weight of inert matter."
- 12 6. Page 6, line 31, by striking the words "one-
- 13 half of".
- 14 7. Page 7, lines 19 and 20, by striking the words
- 15 "sale.
- 16 d. The" and inserting in lieu thereof the words
- 17 "sale or the".
- 18 3. Page 2, by inserting after line 3 the following:
- 19 "____. By relettering paragraphs as required by
- 20 this amendment."

H-5917 FILED APRIL 21, 1982

RECEIVED FROM THE SENATE

House concurred 4/22 (F 1670)

SENATE FILE 2221

AN ACT

RELATING TO THE REGULATION OF AGRICULTURAL AND VEGETABLE
SEED, AND RELATING TO PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 199.1, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

199.1 DEFINITIONS. For the purpose of this chapter or as used in labeling of seed:

1. "Person" means an individual, partnership, corporation, company, society, or association.

2. "Agricultural seed" means grass, forage, cereal, oil, fiber, and any other kind of crop seed commonly recognized within this state as agricultural seed, lawn seed, vegetable seed, or seed mixtures. Agricultural seed may include any additional seed the secretary designates by rules.

3. "Vegetable seed" means the crops which are grown in gardens or truck farms and are generally sold under the name of vegetable or herb seed in this state.

4. "Weed seed" means the seed of all plants listed as weeds in this chapter or listed as weeds in the rules of the department or commonly recognized as weeds in this state.

5. Noxious weed seed shall be divided into two classes, "primary noxious weed seed" and "secondary noxious weed seed" which are defined in paragraphs a and b of this subsection. The secretary, upon the recommendation of the dean of agriculture, Iowa state university of science and technology, shall adopt as a rule, after public hearing, pursuant to

chapter 17A, the list of seed classified as "primary noxious weed seed" and "secondary noxious weed seed".

a. "Primary noxious weed seed" are the seed of perennial weeds that reproduce by seed and by underground roots or stems and which, when established, are highly destructive and difficult to control in this state by good cultural practices. For the purpose of this chapter and the sale of seed, primary noxious weeds in this state are the seeds of:

- (1) Quack grass--*Agropyron repens* (L.) Beauv.
- (2) Canada thistle--*Cirsium arvense* (L.) Scop.
- (3) Perennial sow thistle--*Sonchus arvensis* L.
- (4) Perennial pepper grass (hoary cress)--*Cardaria draba* (L.) Desv.
- (5) European morning-glory (field bindweed)--*Convolvulus arvensis* L.

- (6) Horse nettle--*Solanum carolinense* L.
- (7) Leafy spurge--*Euphorbia esula* L.
- (8) Russian knapweed--*Centaurea repens* L.

b. "Secondary noxious weed seed" are the seed of weeds that are very objectionable in fields, lawns, or gardens in this state, but can be controlled by good cultural practices. For the purpose of this chapter and the sale of seed, the secondary noxious weed seeds in this state are the seeds of:

- (1) Wild carrot--*Daucus carota* L.
- (2) Sour dock (curly dock)--*Rumex crispus* L.
- (3) Smooth dock--*Rumex altissimus* Wood.
- (4) Sheep sorrel (red sorrel)--*Rumex acetosella* L.
- (5) Butterprint (velvet leaf)--*Abutilon theophrasti* Medic.
- (6) Mustards--*Brassica juncea* (L.) Coss., *Sinapis arvensis* L. and *B. nigra* (L.) Koch.
- (7) Cocklebur--*Xanthium strumarium* L.
- (8) Buckhorn--*Plantago lanceolata* L.
- (9) Dodders--*Cuscuta* species.
- (10) Giant foxtail--*Setaria faberii* Herrm.
- (11) Poison hemlock--*Conium maculatum*.

(12) Wild sunflower--Wild strain of *Helianthus annus* (L.)

(13) Puncture vine--*Tribulus terrestris*.

6. "Purity" means the pure seed percentage by weight, exclusive of inert matter and of other agricultural or weed seed which are distinguishable by their appearance from the crop seed in question.

7. "Tolerance" means the allowable deviation from any figure used on a label to designate the percentage of any component or the number of seeds given for the lot in question and is based on the law of normal variation from a mean. The secretary shall prepare tables of tolerances allowable in the enforcement of this chapter and may be guided in the preparation by the regulations under the federal Seed Act, 7 C.F.R., sec. 201.59 et. seq.

8. "Treated seed" means agricultural seed that has been given an application of a substance, or subjected to a procedure, for which a claim is made or which is designed to reduce, control or repel disease organisms, insects, or other pests which attack seed or seedlings.

9. "Coated seed" means seed that has been encapsulated or covered with a substance other than those defined as "inoculated seed" or "treated seed". Pelleted seed is a subclass of "coated seed".

10. "Inoculant for leguminous plants" means a bacterial culture, or material containing bacteria, that is represented as causing the formation of nodules and aiding the growth of leguminous plants by the fixation of nitrogen.

11. "Inoculated seed" means seed to which has been added a substance containing the cells, spores or mycelia of microorganisms for which a claim is made.

12. "Labeling" means all labels and other written, printed, or graphic representations, in any form, accompanying and pertaining to seed, whether in bulk or in containers, and includes invoices.

13. "Advertisement" means all representations, other than those on the label, relating to seed within the scope of this chapter.

14. "Permit holder" is a person who has obtained a permit from the department as required under sections 199.15 and 199.16.

15. "Registered seed technologist" is a person who has attained registered membership in the society of commercial seed technologists through qualifying tests and experience as required by this society.

16. "Record" means all information relating to a shipment of agricultural seed and includes a file sample of each lot of seed.

17. "Kind" means one or more related species or subspecies which singly or collectively are known by one common name.

18. "Conditioning" means cleaning to remove chaff, sterile florets, immature seed, weed seed, inert matter, and other crop seed; scarifying; blending to obtain uniform quality; or any other operation which may change the purity or germination of the seed and require retesting to determine the quality of the seed.

19. "Cultivar" or "variety" means a cultivated subdivision of a kind of plant that may be characterized by growth habits, fruit, seed, or other characteristics, by which it can be differentiated from other plants of the same kind.

20. "Mixture" or "blend" means a combination of seed of more than one kind or variety if present in excess of five percent of the whole.

21. "Multiline cultivar" means a planned combination of two or more near-isogenic lines of a normally self-fertilizing kind of crop.

22. "Hybrid" means the first generation seed produced by controlled pollination of two inbred lines to produce a single cross; an inbred line and a single cross of two unrelated inbred lines to produce a three-way cross; an inbred

line and a single cross of two related lines to produce a modified single cross; two single crosses to produce a double cross; an inbred line or a single cross with an open-pollinated or synthetic cultivar to produce a modified cultivar cross; or a cross of two open-pollinated or synthetic cultivars to produce a cultivar cross. The second or subsequent generation from such crosses are not hybrids. Hybrid designations shall be treated as cultivar names.

23. "Certifying agency" means an agency authorized under the laws of a state, territory, or possession to officially certify seed and which has standards and procedures approved by the United States secretary of agriculture to assure genetic purity and identity of the seed certified, or an agency of a foreign country determined by the United States secretary of agriculture to adhere to the procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies in the United States.

The Iowa Secretary of Agriculture shall by rule, define the terms "breeder", "foundation", "registered", "certified" and "inbred", as used in this Act.

Sec. 2. Section 199.2, Code 1981, is amended to read as follows:

199.2 ~~BOTANIST~~ DEAN OF AGRICULTURE AS ADVISOR. The ~~state~~ ~~botanist~~ dean of agriculture of Iowa state university of science and technology or the dean's designee shall be the technical advisor to the secretary in the administration of this chapter.

Sec. 3. Section 199.3, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

199.3 LABELING OF SEED. Each container of agricultural or vegetable seed which is sold, offered for sale, exposed for sale, or transported within this state shall be labeled according to the following schedule:

1. Seed for sowing purposes shall be labeled as follows:
 - a. Agricultural or vegetable seed that is treated,

inoculated, or coated shall contain a word or statement indicating that the treatment, inoculation, or coating has been done. A separate label may be used.

b. If treated, the label shall indicate the commonly accepted chemical or abbreviated chemical name of the applied substance or substances or a description of the type and purpose of procedure used. If the substance in the amount present with the seed is harmful to human or vertebrate animals, the label shall bear a caution statement such as "Do not use for food, feed, or oil purposes". In addition, for highly toxic substances, a poison statement or symbol shall be shown on the label.

c. If the seed is inoculated, the label shall indicate the month and year beyond which the inoculant is not claimed to be effective.

d. If the seed is coated, the label shall show the percentage by weight in the container of pure seed, inert matter, coating material, other crop seed, and weed seed. The percentage of germination shall be labeled on the basis of a determination made on at least four hundred pellets or capsules, whether or not they contain seed.

e. All seed in package or wrapped form which are required to be labeled, unless otherwise provided, shall conform to the requirements of sections 189.9 and 189.11.

2. Except for seed mixtures for lawn or turf purposes, agricultural seed shall bear a label indicating:

a. The name of the kind or kind and variety for each agricultural seed present in excess of five percent of the whole and the percentage by weight of each. If the variety of those kinds generally labeled as to variety is not stated, the label shall show the name of the kind and the words, "variety not stated". Hybrids shall be labeled as hybrids. Seed shall not be labeled or advertised under a trademark or brand name in a manner that may create the impression that the trademark or brand name is a variety name.

b. Lot number or other lot identification.

c. State or foreign country of origin, if known, of alfalfa and red clover. If the origin is unknown, the fact shall be stated.

d. Percentage by weight of all weed seed.

e. The name and rate of occurrence per unit of weight of each kind of secondary noxious weed seed present.

f. Percentage by weight of agricultural seed which may be designated as "other crop seed" other than those required to be named on the label.

g. Percentage by weight of inert matter.

h. For each named agricultural seed:

(1) Percentage of germination, exclusive of hard seed.

(2) Percentage of hard seed, if present.

(3) The calendar month and year the test was completed to determine the percentages.

Following (1) and (2), the "total germination and hard seed" may be stated as such, if desired.

i. Name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

3. For seed mixtures for lawn or turf purposes, the label shall indicate:

a. The word "mixed" or "mixture" along with the name of the mixture.

b. The heading "pure seed" and "germination" or "germ" where appropriate.

c. Commonly accepted name of kind or kind and variety of each turf seed component in excess of five percent of the whole, and the percentage by weight of pure seed in order of its predominance and in columnar form.

d. Name and percentage by weight of other agricultural seed than those required to be named on the label which shall be designated as "other crop seed". If the mixture contains no "other crop seed" that fact may be indicated by the words "contains no other crop seed".

e. Percentage by weight of inert matter.

f. Percentage by weight of all weed seed. Maximum weed seed content not to exceed one percent by weight.

g. The name and rate of occurrence per unit of weight of each kind of secondary noxious weed seed present.

h. For each turf seed named under paragraph c:

(1) Percentage of germination, exclusive of hard seed.

(2) Percentage of hard seed, if present.

(3) Calendar month and year the test was completed to determine such percentages. The oldest current test date applicable to any single kind in the mixture shall appear on the label.

i. Name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within the state.

4. The labeling requirements for vegetable seed sold from containers of more than one pound shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser. Packets of vegetable seed prepared for use in home gardens or household plantings or vegetable seed in preplanted containers, mats, tapes, or other planting devices, shall bear labels with the following information:

a. Name of kind and variety of seed.

b. Lot identification.

c. The year for which the seed was packed for sale or the percentage of germination and the calendar month and year the test to determine such percentage was completed.

d. Name and address of the person who labeled the seed or who sells, offers, or exposes the seed for sale within the state.

e. For seed which germinate less than the standard last established by the secretary in rules adopted under chapter 17A:

(1) Percentage of germination, exclusive of hard seed.

(2) Percentage of hard seed, if present.

(3) The words "below standard" in not less than eight point type.

f. For seed placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seed from the medium, mat, tape, or device, a statement to indicate the minimum number of seed in the container.

5. All other vegetable seed containers shall be labeled, indicating:

a. The name of each kind and variety present in excess of five percent and the percentage by weight of each in order of its predominance.

b. Lot number or other lot identification.

c. For each named vegetable seed:

(1) Percentage germination exclusive of hard seed.

(2) Percentage of hard seed, if present.

(3) The calendar month and year the test was completed to determine such percentages.

Following (1) and (2) the "total germination and hard seed" may be stated as such, if desired.

d. Name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within the state.

6. Seed sold on or from the farm, which is exempt from the permit requirements by section 199.15, shall be labeled on the basis of tests performed by the Iowa state university of science and technology seed laboratory, department of agriculture seed laboratory, or a commercial seed laboratory personally supervised by a registered seed technologist. Tests for labeling shall be as provided in section 199.10.

Sec. 4. Section 199.4, Code 1981, is amended to read as follows:

199.4 SALES FROM BULK. In case agricultural or vegetable seed is offered or exposed for sale in bulk or sold from bulk, the information required under section 199.37-~~subsection-17~~

may be supplied by (1) a placard conspicuously displayed with the several required items thereon or (2) a printed or written statement to be furnished to any purchaser of said the seed.

Sec. 5. Section 199.5, Code 1981, is amended to read as follows:

199.5 HYBRID CORN. It ~~shall be~~ is unlawful for any person to sell, offer or expose for sale, or falsely mark or tag, within the state any seed corn as hybrid unless it ~~represents the first-generation-of-a-cross-between-strains-of-different parentage-and-involving-inbred-lines-of-corn-and-(or)-their combinations~~ falls within the definition of hybrid in section 199.1. Any-corn-sold-as-"hybrid"-shall-have-plainly-printed or-marked-on-the-label-or-container-in-which-such-corn-is sold-the-identifying-symbols-or-numbers,-clearly-indicating the-specific-combination---The-cross-mentioned-above-shall be-produced-by-cross-fertilination,-controlled-either-by-hand or-detasseling-at-the-proper-time-

Sec. 6. Section 199.7, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The classes of certified seed ~~shall be~~ are breeder, foundation, registered, and certified and shall be recognized by the certifying agency.

Sec. 7. Section 199.8, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

199.8 PROHIBITED ACTS.

1. It is unlawful for a person to sell, transport, offer for sale, expose for sale, or advertise an agricultural or vegetable seed:

a. Unless the test to determine the percentage of germination as required by this chapter has been completed within nine months, excluding the month of the test, immediately prior to selling, transporting, offering, exposing, or advertising for sale. A retest is not required for seed in hermetically sealed containers or packages provided they have not reached the thirty-six month expiration date.

b. Not labeled in accordance with the provisions of this chapter, or having a false or misleading label.

c. For which there has been false or misleading advertising.

d. Consisting of or containing primary noxious weed seed, subject to recognized tolerances.

e. Consisting of or containing secondary noxious weed seed per weight unit in excess of the number prescribed by rules adopted under this chapter, or in excess of the number declared on the label attached to the container of the seed or associated with the seed.

f. Containing more than one and one-half percent by weight of all weed seed.

g. If any labeling, advertising, or other representation subject to this chapter represents the seed to be certified seed or any class thereof, unless:

(1) It has been determined by a seed certifying agency that the seed conforms to standards of varietal purity and identity as to kind in compliance with the rules and regulations of the agency.

(2) The seed bears an official label issued for the seed by a seed certifying agency stating that the seed is of a specified class and a specified kind or variety.

h. Labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which a United States certificate of plant variety protection under the Plant Variety Protection Act, 7 U.S.C. sec. 2321 et. seq., specifies sale only as a class of certified seed. Seed from a certified lot may be labeled as to variety name and used in a blend, by or with the approval of the owner of the variety.

2. It is unlawful for a person to:

a. Detach, alter, deface, or destroy a label provided for in this chapter or the rules adopted under this chapter, or to alter or substitute seed in a manner that may defeat the purpose of this chapter.

b. Disseminate false or misleading advertisements concerning seed subject to this chapter.

c. Hinder or obstruct in any way an authorized person in the performance of duties under this chapter.

d. Fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a "stop sale" order or tags attached thereto, except with express permission of the enforcing officer, and for the purpose specified thereby.

e. Use the word "trace" as a substitute for any statement which is required.

f. Use the word "type" in labeling in connection with the name of an agricultural seed variety.

3. It is unlawful for a person to sell, transport, offer for sale, expose for sale, or advertise screenings of any agricultural seed subject to this chapter, unless it is stated on the label if in containers or on the invoice if in bulk, that they are not intended for seeding purposes. For the purpose of this subsection, "screenings" includes chaff, empty florets, immature seed, weed seed, inert matter, and other materials removed by cleaning from any agricultural seed subject to this chapter.

Sec. 8. Section 199.9, Code 1981, is amended to read as follows:

199.9 EXEMPTIONS.

1. ~~The provisions of sections~~ Sections 199.3 and 199.8 do not apply-- to:

a. ~~To seed~~ Seed or grain not intended for sowing purposes.

b. ~~To seed~~ Seed in storage in, or consigned to, or for sale to, a seed cleaning or ~~processing~~ conditioning establishment for cleaning or ~~processing~~ conditioning; provided that any labeling or other representation which ~~may be~~ is made with respect to the unclean or unconditioned seed ~~shall be~~ is subject to this chapter.

c. A carrier in respect to seed transported or delivered for transportation in the ordinary course of its business as a carrier provided that the carrier is not engaged in producing, conditioning, or marketing seed, and subject to this chapter.

2. ~~No A person shall be~~ is not subject to the penalties of this chapter, for having sold, offered or exposed for sale in this state any agricultural seeds, which were incorrectly labeled or represented as to kind, species, variety, type, or origin which when those seeds cannot be identified by examination thereof, unless he the person has failed to obtain an invoice or genuine grower's declaration giving kind, or kind and variety, or kind and type, and origin, if required and to take such other precautions as shown by the records of purchase. ~~The provisions of section 199.7 shall not be interpreted to restrict the color of the container or other labeling information and to take other precautions as reasonable to ensure the identity. A genuine grower's declaration of variety shall affirm that the grower holds records of proof concerning parent seed such as invoices and labels.~~

Sec. 9. Section 199.10, subsection 1, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Seed lots of all kinds of agricultural seed, ~~except seed corn,~~ intended for sale in this state shall be tested in accordance with the ~~Association~~ association of Official Seed Analysts official seed analysts' rules for testing seed or the ~~rules and~~ regulations under the federal Seed Act. The tests required shall be:

Sec. 10. Section 199.10, subsection 2, Code 1981, is amended by striking the subsection.

Sec. 11. Section 199.10, subsection 3, paragraph a, Code 1981, is amended by striking the paragraph.

Sec. 12. Section 199.12, Code 1981, is amended to read as follows:

199.12 SEIZURE OF UNLAWFUL SEED. Upon the recommendation of the ~~state~~ secretary of agriculture or ~~his~~ the secretary's duly authorized agents, the court of competent jurisdiction in the area in which the seed is located shall cause the seizure and subsequent denaturing, ~~processing~~ conditioning, or destruction to prevent the use for sowing purposes of any lot of agricultural seed found to be prohibited from sale as set forth in section 199.8, ~~subsection 1, paragraphs "d" and "e", and subsection 2,~~ provided, that in no instance shall the denaturing, ~~processing~~ conditioning, or destruction be ordered without first having given the claimant of ~~said~~ the seed an opportunity to apply to ~~said~~ the court for the release of ~~said~~ the seed.

Sec. 13. Section 199.13, Code 1981, is amended to read as follows:

199.13 PENALTY. ~~Every A~~ violation of ~~the provisions of~~ this chapter ~~shall be deemed is~~ a simple misdemeanor. The department of agriculture ~~through its duly authorized agent or agents,~~ may institute criminal or civil proceedings in a court of competent jurisdiction to enforce ~~the provisions of~~ this chapter. When in the performance of the secretary's duties in enforcing this chapter the secretary applies to a court for a temporary or permanent injunction restraining a person from violating or continuing to violate any of the provisions of this chapter or rules adopted under this chapter, the injunction is to be issued without bond and the person restrained by the injunction shall pay the costs made necessary by the procedure.

Sec. 14. Section 199.15, Code 1981, is amended to read as follows:

199.15 PERMIT NUMBER--FEE--FRAUD. ~~No A~~ person shall not sell, distribute, advertise, solicit orders for, offer or expose for sale, any agricultural or vegetable seed without first obtaining from the department a permit ~~number~~ to engage in ~~such~~ the business. ~~No A~~ permit ~~number shall be~~ is not

required of persons selling seeds, ~~including seed corn~~, which has have been packed and distributed by a seedsmen person holding and having in force a permit ~~number as herein provided~~. No A permit number shall be is not required of persons selling or advertising, offering or exposing for sale seed of their own production, provided that such the seed is stored or delivered to a purchaser only on or from the farm or premises where grown. The fee for each a new permit number shall be five is ten dollars per annum, and the fee for a renewed permit is based on the gross annual sales of seeds in Iowa during the previous twelve-month period under the permit holder's label and all ~~permit numbers shall~~ permits expire on the first day of July following date of issue. Permits shall be issued subject to the following fee schedule:

Gross sales of seeds	Fee
Not more than \$ 25,000	\$10
Over \$25,000 but not exceeding 50,000	20
Over \$50,000 but not exceeding 100,000	30
Over \$100,000 but not exceeding 200,000	40

For each additional increment of one hundred thousand dollars of sales in Iowa the fee shall increase by ten dollars. The fee shall not exceed five hundred dollars for a permit holder.

PARAGRAPH DIVIDED. After due notice given at least ten days prior to a date of hearing fixed by the secretary of agriculture, the department may revoke or refuse to renew any a permit issued under the authority of this section, if a violation of this chapter or if intent to defraud is established. The failure to fulfill any a contract to repurchase the seed crop produced from any agricultural seed, ~~other than hybrid seed corn~~, if the same crop meets the requirements set forth in the contract and the standards specified in this chapter, shall be is prima-facie evidence of intent to defraud the purchaser at the time of entering into the contract. However, this does not apply when seed stock is furnished by the contractor to the grower at no cost.

Sec. 15. Section 199.16, Code 1981, is amended to read as follows:

199.16 PERMIT HOLDER'S BOND. It ~~shall be~~ is unlawful for the holder of any permit to enter into a contract with a ~~purchaser of any person who purchases~~ agricultural seed ~~other than hybrid seed corn~~, whereby the permit holder agrees to repurchase the seed crop produced ~~therefrom from the~~ purchased seed at a price in excess of the current market price at time of delivery, unless the permit holder shall have has on file with the department of agriculture a bond, in a penal sum of ~~ten~~ twenty-five thousand dollars running to the state of Iowa, with sureties approved by the secretary of agriculture, for the use and benefit of ~~any purchaser of seed the person holding such a~~ the contract who might have a cause of action of any nature arising from ~~or out of such the purchase or agreement, provided, however, that~~ contract. However, the aggregate liability of the surety to ~~all such purchasers the person~~ shall, ~~in no event,~~ not exceed the sum of ~~such the bond, and provided, further, however, that any permit holder may, upon the filing of a notarized and detailed financial statement, request that such showing be accepted in lieu of the bond and ask to be exonerated from the filing of the bond herein required. If, after considering the financial statement and any other evidence submitted, the secretary of agriculture finds that the applicant permit holder is accountable for the performance of such contract obligations the notarized financial statement shall be filed in lieu of the bond and applicant shall be so advised by registered mail.~~

Sec. 16. Chapter 199, Code 1981, is amended by adding the following new section:

NEW SECTION. A person whose name appears on the label as handling agricultural or vegetable seed subject to this chapter shall keep for a period of two years complete records of each lot of agricultural or vegetable seed handled and

shall keep for one year a file sample of each lot of seed after final disposition of the lot. The records and samples pertaining to the shipments involved shall be accessible for inspection by the department during the customary business hours.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2221, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 12, 1982

ROBERT D. RAY
Governor