

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

*Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 116, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 15-15-1-20.5 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2010]: **Sec. 20.5. As used in this chapter,**
- 6 **"special use permit" means authorization issued by the seed**
- 7 **commissioner to a person, subject to section 27(b)(17) of this**
- 8 **chapter, for the use of seeds of plant species for the purpose of**
- 9 **research, development, production, or education.**
- 10 SECTION 2. IC 15-15-1-27, AS ADDED BY P.L.2-2008,
- 11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 UPON PASSAGE]: Sec. 27. (a) The state seed commissioner shall
- 13 administer this chapter. The state seed commissioner may authorize an

- 1 agent to act for the state seed commissioner under this chapter.
- 2 (b) The state seed commissioner may do any of the following to
- 3 administer this chapter:
- 4 (1) Sample, inspect, analyze, and test agricultural and vegetable
- 5 seed distributed within Indiana for seeding and sowing purposes,
- 6 when, where, and to the extent the state seed commissioner
- 7 considers necessary to determine whether the agricultural or
- 8 vegetable seed is in compliance with this chapter.
- 9 (2) Notify a seed distributor of any violations of this chapter.
- 10 (3) Adopt rules:
- 11 (A) governing:
- 12 (i) methods of sampling, inspecting, analyzing, testing, and
- 13 examining agricultural and vegetable seed; and
- 14 (ii) tolerances to be followed in the administration of this
- 15 chapter; and
- 16 (B) necessary for the efficient enforcement of this chapter.
- 17 (4) Adopt rules to establish lists of prohibited and restricted
- 18 noxious weeds.
- 19 (5) Adopt rules to establish reasonable standards of germination
- 20 (as defined by rule adopted under section 28 of this chapter) for
- 21 vegetable seed.
- 22 (6) Adopt rules to establish standards for the effectiveness of
- 23 legume inoculant applied to pre-inoculated seed.
- 24 (7) Adopt rules to govern the treatment of seed and the labeling
- 25 and distribution of treated seed.
- 26 (8) Publish at least one (1) time each year, in the form the seed
- 27 commissioner considers proper, information concerning:
- 28 (A) the sales of agricultural and vegetable seed; and
- 29 (B) the results of the analysis of official samples of
- 30 agricultural and vegetable seed sold within Indiana as
- 31 compared with the analysis guaranteed on the label.
- 32 Information concerning production and use of agricultural and
- 33 vegetable seed may not disclose the operation of any person.
- 34 (9) Enter any:
- 35 (A) public or private property during regular business hours;
- 36 or
- 37 (B) vehicle that transports seed, whether by land, water, or air,
- 38 at any time the vehicle is accessible;

- 1 to inspect seed and the records relating to the seed, subject to this
 2 chapter and the rules adopted under this chapter.
- 3 (10) As used in this subdivision, "stop sale order" refers to a
 4 written order issued by the state seed commissioner to the owner
 5 or custodian of a lot of agricultural or vegetable seed that the state
 6 seed commissioner has found violates this chapter or rules
 7 adopted under this chapter. The state seed commissioner may
 8 issue and enforce stop sale orders. A stop sale order prohibits the
 9 future sale, processing, and movement of the seed until the state
 10 seed commissioner issues a release from the stop sale order. The
 11 owner or custodian of the seed is entitled to appeal a stop sale
 12 order to a court with jurisdiction in the locality in which the seed
 13 is found, as provided in IC 4-21.5, seeking a judgment as to the
 14 justification for the order for the discharge of the seed from the
 15 stop sale order in accordance with the findings of the court. This
 16 subdivision does not limit the right of the state seed commissioner
 17 to proceed as otherwise authorized by this chapter.
- 18 (11) Establish and maintain or make provisions for seed testing
 19 facilities.
- 20 (12) Employ qualified persons.
- 21 (13) Incur necessary expenses.
- 22 (14) Test or provide for testing seed for purity and germination
 23 (as defined by rule adopted under section 28 of this chapter) for
 24 farmers and dealers on request of a farmer or dealer, prescribe
 25 rules governing such testing, and charge for the tests made.
- 26 (15) Cooperate with the United States Department of Agriculture
 27 and other agencies in seed law enforcement.
- 28 (16) Enter the property of a producer of hybrid seed to determine
 29 whether the seed produced is as the seed is represented.
- 30 **(17) Adopt rules under IC 4-22-2 that are necessary for the**
 31 **administration of this chapter, including fees, fines, and**
 32 **special use permits.**
- 33 SECTION 2. IC 15-15-1-34, AS ADDED BY P.L.2-2008,
 34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2011]: Sec. 34. (a) For the purpose of defraying the costs of
 36 inspection, analysis, publication, and other expenses incurred in the
 37 administration of this chapter, the state seed commissioner shall charge
 38 the amount set forth in this section for tags or labels required by

1 sections 32 and 33 of this chapter:

2 (b) The charge for alfalfa, clover, vegetable, and grass seed or
3 mixtures of any of these seeds is the following:

4 (1) Six cents (\$0.06) for each twenty-five (25) pound tag or label:

5 (2) Twelve cents (\$0.12) for each fifty (50) pound tag or label:

6 (3) Eighteen cents (\$0.18) for each seventy-five (75) pound tag or
7 label:

8 (4) Twenty-four cents (\$0.24) for each one hundred (100) pound
9 tag or label:

10 (c) The charge for seed other than seed described in subsection (b)
11 is the following:

12 (1) Two and one-fourth cents (\$0.0225) for each twenty-five (25)
13 pound tag or label:

14 (2) Four and one-half cents (\$0.045) for each fifty (50) pound tag
15 or label:

16 (3) Six and three-fourths cents (\$0.0675) for each seventy-five
17 (75) pound tag or label:

18 (4) Nine cents (\$0.09) for each hundred (100) pound tag or label:

19 (5) Nine cents (\$0.09) for one hundred (100) pounds for each tag
20 or label that the state seed commissioner furnishes in
21 denominations larger than one hundred (100) pounds:

22 (d) Tags furnished by the state seed commissioner must:

23 (1) contain the facsimile signature of the state seed commissioner;

24 (2) be referred to as state seed commissioner tags or labels;

25 (3) be completely filled out with the information required in
26 sections 32 and 33 of this chapter; and

27 (4) be attached to containers or be delivered with sales of
28 agricultural or vegetable seed distributed in bulk in quantities of
29 more than one (1) pound:

30 (e) A distributor or the distributor's successor may return for credit
31 any unused and obsolete state seed commissioner tags or labels. The
32 state seed commissioner shall give credit for the return of obsolete tags
33 or labels after deducting all costs of printing and handling:

34 (f) If the state seed commissioner grants a distributor a permit to
35 report the quantity of seed sold and pay the inspection fee on the basis
36 of this report instead of attaching or furnishing state seed commissioner
37 tags or labels as provided in this section, the distributor may return for
38 credit, not later than sixty (60) days after issuance of the permit, all

1 unused state seed commissioner tags or labels whether obsolete or not.
 2 The state seed commissioner shall credit the distributor those tags or
 3 labels:

4 (1) submitted as blank at the purchase price; and
 5 (2) that have been filled out at the purchase price less the cost of
 6 printing and handling.

7 ~~(g)~~ (a) A distributor of agricultural seed in packages of not more
 8 than one (1) pound shall pay not later than January 15 of each year an
 9 annual fee of forty-five dollars (\$45) for each brand of seed distributed.
 10 The distributor is not required to affix state seed commissioner tags or
 11 labels to packages of not more than one (1) pound that bear a proper
 12 label. Payment of an annual fee is not required of retailers who furnish
 13 quantities of not more than one (1) pound from a properly labeled
 14 container of seed on which the inspection fee has been paid.

15 ~~(h)~~ (b) A person who distributes agricultural or vegetable seed in
 16 Indiana may apply to the state seed commissioner for a permit to use
 17 the person's own labeling, report the quantity of seed sold, and pay the
 18 inspection fee on the basis of the report instead of attaching or
 19 furnishing state seed commissioner tags or labels. ~~The inspection fee~~
 20 ~~is the following:~~

21 (1) ~~Twenty-four cents (\$0.24) per one hundred (100) pounds of~~
 22 ~~alfalfa, clover, vegetable, grass seed, and mixtures of such seeds;~~
 23 ~~with a minimum payment of six cents (\$0.06) for each package or~~
 24 ~~container of more than one (1) pound.~~

25 (2) ~~Nine cents (\$0.09) per one hundred (100) pounds of all~~
 26 ~~agricultural seed other than seeds described in subdivision (1);~~
 27 ~~with a minimum payment of two and one-fourth cents (\$0.0225)~~
 28 ~~for each package or container of more than one (1) pound.~~

29 (3) ~~One dollar and fifty cents (\$1.50) for each assortment or unit~~
 30 ~~of vegetable seed distributed in an assortment or other display~~
 31 ~~unit, in packets of not more than one (1) pound.~~

32 ~~(i)~~ (c) In making application for a permit under subsection ~~(h)~~; (b),
 33 the distributor must agree to the following:

34 (1) Label the seed with the information required by law.
 35 (2) Keep the records the state seed commissioner considers
 36 necessary to indicate accurately the number and size of containers
 37 of each kind of agricultural and vegetable seed distributed and the
 38 quantity of such seed distributed in bulk.

1 (3) Grant the state seed commissioner or the state seed
 2 commissioner's authorized representative permission to examine
 3 the records described in subdivision (2) and verify the statement
 4 of quantity of seed distributed.

5 (4) Report under oath to the state seed commissioner on forms
 6 furnished by the state seed commissioner the quantity of
 7 agricultural and vegetable seed sold during the period covered.

8 ~~(j)~~ **(d)** The state seed commissioner may grant a permit under
 9 subsection ~~(h)~~ **(b)** if the state seed commissioner determines that the
 10 applicant's proposed report of the quality of agricultural and vegetable
 11 seed sold will lead to efficient enforcement of this chapter. The state
 12 seed commissioner may revoke the permit at any time if it appears to
 13 the state seed commissioner that the distributor is not complying with
 14 the agreement described in subsection ~~(i)~~ **(c)** or this chapter. The report
 15 of sales is due and the inspection fees payable quarterly, on the last day
 16 of the month following the end of the quarter. If:

- 17 (1) the report is not filed and the inspection fee not paid before
 18 ten (10) days following the due date;
 19 (2) the report of volume is false; or
 20 (3) the labeling requirements of this chapter have not been
 21 complied with;

22 the state seed commissioner may revoke the permit. If the inspection
 23 fee is unpaid after the ten (10) day grace period, a penalty shall be
 24 assessed in the amount of ten percent (10%) in addition to the amount
 25 due."

26 Page 4, after line 31, begin a new paragraph and insert:

27 "SECTION 4. [EFFECTIVE JULY 1, 2010] **(a) The state seed**
 28 **commissioner shall adopt rules required under**
 29 **IC 15-15-1-27(b)(17), as amended by this act, before July 1, 2011.**

30 **(b) A rule adopted under this SECTION must take effect on**
 31 **July 1, 2011.**

- 1 **(c) This SECTION expires July 2, 2011.**
- 2 **SECTION 5. An emergency is declared for this act."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to SB 116 as printed January 27, 2010.)

and when so amended that said bill do pass.

Representative Pflum