

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred House Bill No. 1230, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1           Replace the effective dates in SECTIONS 1 through 23 with  
2           "[EFFECTIVE UPON PASSAGE]".
- 3           Page 1, between the enacting clause and line 1, begin a new  
4           paragraph and insert:
- 5           "SECTION 1. IC 15-15-1-2, AS ADDED BY P.L.2-2008, SECTION  
6           6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
7           2010]: Sec. 2. As used in this chapter, "agricultural seed" means the  
8           seeds of legume, grass, forage, cereal, ~~or~~ fiber, **or oil** crops. The term  
9           includes other kinds of seeds commonly recognized in Indiana as  
10          agricultural seeds, lawn seeds, and mixtures of such seeds.
- 11          SECTION 2. IC 15-15-1-5.5 IS ADDED TO THE INDIANA CODE  
12          AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
13          1, 2010]: **Sec. 5.5. As used in this chapter, "cool season lawn and  
14          turf grasses" includes:**
- 15               **(1) Kentucky bluegrass, red fescue, chewings fescue, hard**  
16               **fescue, tall fescue, perennial ryegrass, intermediate ryegrass,**  
17               **annual ryegrass, colonial bentgrass, or creeping bentgrass;**  
18               **and**
- 19               **(2) mixtures of any of the grasses referred to in subdivision**  
20               **(1).**

1 SECTION 3. IC 15-15-1-15.5 IS ADDED TO THE INDIANA  
 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2010]: **Sec. 15.5. As used in this chapter,**  
 4 **"permit" means a written authorization granted by the seed**  
 5 **commissioner and required under this chapter before a person**  
 6 **may distribute agricultural or vegetable seed in Indiana subject to**  
 7 **this chapter.**

8 SECTION 4. IC 15-15-1-20.5 IS ADDED TO THE INDIANA  
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2010]: **Sec. 20.5. As used in this chapter,**  
 11 **"special use permit" means authorization issued by the seed**  
 12 **commissioner to a person subject to section 27(c) of this chapter**  
 13 **for the use of seeds of plant species for the purpose of research,**  
 14 **development, production, or education.**

15 SECTION 5. IC 15-15-1-27, AS ADDED BY P.L.2-2008,  
 16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 UPON PASSAGE]: **Sec. 27. (a)** The state seed commissioner shall  
 18 administer this chapter. The state seed commissioner may authorize an  
 19 agent to act for the state seed commissioner under this chapter.

20 **(b)** The state seed commissioner may do any of the following to  
 21 administer this chapter:

22 (1) Sample, inspect, analyze, and test agricultural and vegetable  
 23 seed distributed within Indiana for seeding and sowing purposes,  
 24 when, where, and to the extent the state seed commissioner  
 25 considers necessary to determine whether the agricultural or  
 26 vegetable seed is in compliance with this chapter.

27 (2) Notify a seed distributor of any violations of this chapter.

28 (3) Adopt rules:

29 (A) governing:

30 (i) methods of sampling, inspecting, analyzing, testing, and  
 31 examining agricultural and vegetable seed; and

32 (ii) tolerances to be followed in the administration of this  
 33 chapter; and

34 (B) necessary for the efficient enforcement of this chapter.

35 (4) Adopt rules to establish lists of prohibited and restricted  
 36 noxious weeds.

37 (5) Adopt rules to establish reasonable standards of germination  
 38 (as defined by rule adopted under section 28 of this chapter) for

- 1 vegetable seed.
- 2 (6) Adopt rules to establish standards for the effectiveness of
- 3 legume inoculant applied to pre-inoculated seed.
- 4 (7) Adopt rules to govern the treatment of seed and the labeling
- 5 and distribution of treated seed.
- 6 (8) Publish at least one (1) time each year, in the form the seed
- 7 commissioner considers proper, information concerning:
- 8 (A) the sales of agricultural and vegetable seed; and
- 9 (B) the results of the analysis of official samples of
- 10 agricultural and vegetable seed sold within Indiana as
- 11 compared with the analysis guaranteed on the label.
- 12 Information concerning production and use of agricultural and
- 13 vegetable seed may not disclose the operation of any person.
- 14 (9) Enter any:
- 15 (A) public or private property during regular business hours;
- 16 or
- 17 (B) vehicle that transports seed, whether by land, water, or air,
- 18 at any time the vehicle is accessible;
- 19 to inspect seed and the records relating to the seed, subject to this
- 20 chapter and the rules adopted under this chapter.
- 21 (10) As used in this subdivision, "stop sale order" refers to a
- 22 written order issued by the state seed commissioner to the owner
- 23 or custodian of a lot of agricultural or vegetable seed that the state
- 24 seed commissioner has found violates this chapter or rules
- 25 adopted under this chapter. The state seed commissioner may
- 26 issue and enforce stop sale orders. A stop sale order prohibits the
- 27 future sale, processing, and movement of the seed until the state
- 28 seed commissioner issues a release from the stop sale order. The
- 29 owner or custodian of the seed is entitled to appeal a stop sale
- 30 order to a court with jurisdiction in the locality in which the seed
- 31 is found, as provided in IC 4-21.5, seeking a judgment as to the
- 32 justification for the order for the discharge of the seed from the
- 33 stop sale order in accordance with the findings of the court. This
- 34 subdivision does not limit the right of the state seed commissioner
- 35 to proceed as otherwise authorized by this chapter.
- 36 (11) Establish and maintain or make provisions for seed testing
- 37 facilities.
- 38 (12) Employ qualified persons.

- 1 (13) Incur necessary expenses.
- 2 (14) Test or provide for testing seed for purity and germination  
3 (as defined by rule adopted under section 28 of this chapter) for  
4 farmers and dealers on request of a farmer or dealer, prescribe  
5 rules governing such testing, and charge for the tests made.
- 6 (15) Cooperate with the United States Department of Agriculture  
7 and other agencies in seed law enforcement.
- 8 (16) Enter the property of a producer of hybrid seed to determine  
9 whether the seed produced is as the seed is represented.
- 10 **(17) Issue a written special use permit to a person to use a**  
11 **prohibited noxious weed seed or a restricted noxious weed**  
12 **seed for purposes of research, development, production, or**  
13 **education, subject to subsection (c).**
- 14 **(18) Adopt rules under IC 4-22-2 to establish fees that are**  
15 **necessary for the administration of this chapter, including**  
16 **costs of inspections, analysis, and publications.**
- 17 **(19) Adopt rules under IC 4-22-2 to establish civil fines for the**  
18 **following:**
- 19 (A) Failure to submit a report required under this chapter.
- 20 (B) Failure to pay a fee required under this chapter.
- 21 (c) The seed commissioner, in response to an application for the  
22 issuance of a special use permit under subsection (b)(17), may:
- 23 (1) issue a special use permit;
- 24 (2) issue a special use permit subject to conditions; or
- 25 (3) deny a special use permit request.
- 26 **In determining whether to issue a special use permit, the seed**  
27 **commissioner shall consider each species of prohibited noxious**  
28 **weed or restricted noxious weed separately. The seed commissioner**  
29 **may revoke a special use permit at any time if it appears that the**  
30 **permit holder is not complying with the conditions established**  
31 **under the special use permit.**
- 32 SECTION 6. IC 15-15-1-32, AS ADDED BY P.L.2-2008,  
33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2010]: Sec. 32. (a) A container of agricultural seed of any size  
35 consisting of more than one (1) pound distributed in Indiana for sowing  
36 and seeding purposes must contain or have attached in a conspicuous  
37 place on the outside of the container a plainly written or printed tag or  
38 label in English giving the information required by this section. If the

1 seed is distributed in bulk, the information required by this section  
2 must accompany delivery and be supplied to the purchaser at the time  
3 of delivery.

4 (b) The labeling required for seed sold in bags and packages, and in  
5 bulk as required by this section, must include the following statements  
6 on the labeling attached to the container:

7 (1) The commonly accepted name of each kind and variety of  
8 each agricultural seed component that exceeds five percent (5%)  
9 of the whole and the percentage by weight of each in the order of  
10 its predominance. However, the variety designation may be  
11 omitted if the label states the name of the kind and the words  
12 "variety not stated". If more than one (1) component is required  
13 to be named, the word "mixture" or the word "mixed" must be  
14 shown conspicuously on the label. A mixture consisting of two (2)  
15 or more varieties of the same kind may be designated as a  
16 "blend".

17 (2) Lot number or other lot identification.

18 (3) Origin (state or foreign country where grown) for all seed  
19 except hybrid corn. If the origin is unknown, that fact must be  
20 stated.

21 (4) The percentage of all weed seed.

22 (5) The name and rate of occurrence per pound of each kind of  
23 restricted noxious weed seed present.

24 (6) The percentage of all other agricultural or vegetable seed,  
25 which may be designated as "other crop seeds" or "crop seeds".

26 (7) The percentage of inert matter.

27 (8) For each named agricultural seed:

28 (A) the percentage of germination (as defined by rule adopted  
29 under section 28 of this chapter), exclusive of hard seed;

30 (B) the percentage of hard seed, if present; and

31 (C) the calendar month and year the test was completed to  
32 determine the percentages.

33 (9) The name and address of the person who labeled the seed or  
34 who distributed it within Indiana.

35 (10) For all seed named and treated (for which a separate label  
36 may be used):

37 (A) a word or statement indicating that the seed has been  
38 treated;

- 1 (B) the commonly accepted coined chemical or abbreviated  
2 chemical (generic) name of any applied pesticide;  
3 (C) a description of the process or the commonly accepted  
4 name of the substance applied if other than a pesticide; and  
5 (D) if the substance in the amount present with the seed is  
6 harmful to human or other vertebrate animals, a caution  
7 statement such as "Do Not Use For Food Or Feed Or Oil  
8 Purposes". A poison statement or symbol must be used as the  
9 caution for mercurials and similarly toxic substances.
- 10 (11) For pre-inoculated seed, in addition to other labeling  
11 requirements of this section (for which a separate label may be  
12 used):
- 13 (A) a word or statement indicating that the seed has been  
14 pre-inoculated; and  
15 (B) the date beyond which the inoculant is not to be  
16 considered effective.
- 17 **(12) For cool season lawn and turf grasses, the following**  
18 **statements on the labeling:**
- 19 **(A) For single kinds of grasses, the name of the kind or the**  
20 **kind and variety.**
- 21 **(B) For grass mixtures:**
- 22 **(i) the word "mix", "mixed", "mixture", or "blend"**  
23 **must be stated with the name of the mixture;**  
24 **(ii) the headings "Pure Seed" and "Germination" or**  
25 **"Germ" must be used in the proper places; and**  
26 **(iii) the commonly accepted name of the kind or the kind**  
27 **and variety of each agricultural seed component that**  
28 **exceeds five percent (5%) of the whole, and the**  
29 **percentage by weight of pure seed in order of its**  
30 **predominance and in columnar form.**
- 31 **(C) The percentage by weight of agricultural seed other**  
32 **than those required to be named on the label (which must**  
33 **be designated as "crop seed").**
- 34 **(D) The percentage by weight of inert matter.**
- 35 **(E) The percentage by weight of all weed seeds. The**  
36 **maximum weed seed content may not exceed two and**  
37 **five-tenths percent (2.5%) by weight.**
- 38 **(F) The name and rate of occurrence per pound of each**

1           **kind of restricted noxious weed seed present and listed**  
 2           **under the heading "Noxious Weed Seeds". Restricted**  
 3           **noxious weed seed may not exceed twenty-five hundredths**  
 4           **of one percent (0.25%) by weight.**

5           **(G) For each agricultural seed named under clause (A) or**  
 6           **(B), the following:**

7               **(i) The percentage of germination, exclusive of hard seed.**

8               **(ii) The percentage of hard seed, if present.**

9               **(iii) The calendar month and year the test was completed**  
 10              **to determine the required percentages. The oldest test**  
 11              **date must be used.**

12              **(iv) The statement "Sell by (month/year)". The date may**  
 13              **not exceed fifteen (15) months from the date that must be**  
 14              **stated on the labeling under item (iii), exclusive of the**  
 15              **month of the test.**

16              **The total of the percentages by weight under clauses (B)(iii),**  
 17              **(C), (D), and (E) must equal one hundred percent (100%).**

18              (c) The statements required by this section may not be modified or  
 19              denied.

20              **(d) The total of the percentages that are stated on the labeling**  
 21              **under subsection (b)(1), (b)(4), (b)(6), and (b)(7) must equal one**  
 22              **hundred percent (100%).**

23              SECTION 7. IC 15-15-1-33, AS ADDED BY P.L.2-2008,  
 24              SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25              JULY 1, 2010]: Sec. 33. ~~A~~ container of vegetable seed of any size  
 26              distributed within Indiana for sowing and seeding purposes must have  
 27              attached in a conspicuous place on the outside of the container a  
 28              plainly written or printed label in English giving **(a) For vegetable**  
 29              **seeds in packets as prepared for use in home gardens or household**  
 30              **plantings or vegetable seeds in preplanted containers, mats, tapes,**  
 31              **or other planting devices in containers that do not exceed one (1)**  
 32              **pound, the labeling must include** the following information:

33                      (1) The name of the kind and variety of seed.

34                      (2) The name and address of the person who labeled or who  
 35                      distributed the seed.

36                      (3) For seed that germinates less than the standard most recently  
 37                      established under this chapter:

38                              (A) the percentage of germination (as defined by rule adopted

- 1 under section 28 of this chapter), exclusive of hard seed;
- 2 (B) the percentage of hard seed, if present;
- 3 (C) the calendar month and year the test was completed to
- 4 determine the percentages; and
- 5 (D) the words "Below Standard" in not less than 8 point type.
- 6 (4) For seed that has been treated, the same labeling information
- 7 required for agricultural seeds.
- 8 (5) The number of noxious weed seeds per pound of vegetable
- 9 seed, if any weed seed is present.
- 10 **(6) Lot number or other lot identification.**
- 11 **(7) Germination test information in any of the following**
- 12 **forms:**
- 13 **(A) The calendar month and year the germination test was**
- 14 **completed and the statement "Sell by (month/year)". The**
- 15 **date may not exceed twelve (12) months from the date of**
- 16 **the test, exclusive of the month of the test.**
- 17 **(B) The year for which the seed was packaged for sale, as**
- 18 **"Packed for (year)". The date must be for a calendar year**
- 19 **and include the statement "Sell by (month/year)". The date**
- 20 **may not exceed twelve (12) months from the date of the**
- 21 **test, exclusive of the month of the test.**
- 22 **(C) The percentage of germination and the calendar month**
- 23 **and year the test was completed to determine the**
- 24 **percentages. However, the germination test must have**
- 25 **been completed within the previous twelve (12) months,**
- 26 **exclusive of the month of the test.**
- 27 **(b) For vegetable seeds sold in containers that are more than**
- 28 **one (1) pound, the labeling must include the following:**
- 29 **(1) The name of each kind and variety present that exceeds**
- 30 **five percent (5%) and the percentage by weight of each in**
- 31 **order of its predominance.**
- 32 **(2) Lot number or other lot identification.**
- 33 **(3) For each named vegetable seed:**
- 34 **(A) the percentage of germination, exclusive of hard seed;**
- 35 **(B) the percentage of hard seed, if present; and**
- 36 **(C) the calendar month and year the test was completed to**
- 37 **determine the percentages. The date may not be later than**
- 38 **twelve (12) months after the date of the test, exclusive of**

1                   **the month of the test.**

2                   **(c) For seeds placed in a germination medium, mat, tape, or**  
 3 **another device and in a way to make it difficult to determine the**  
 4 **quantity of seed without removing the seed from the medium, mat,**  
 5 **tape, or other device, the labeling must include a statement to**  
 6 **indicate the minimum number of seeds in the container.**

7                   SECTION 8. IC 15-15-1-34, AS ADDED BY P.L.2-2008,  
 8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2011]: Sec. 34. (a) For the purpose of defraying the costs of  
 10 inspection; analysis; publication; and other expenses incurred in the  
 11 administration of this chapter, the state seed commissioner shall charge  
 12 the amount set forth in this section for tags or labels required by  
 13 sections 32 and 33 of this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           (4) be attached to containers or be delivered with sales of  
2           agricultural or vegetable seed distributed in bulk in quantities of  
3           more than one (1) pound.

4           (e) A distributor or the distributor's successor may return for credit  
5           any unused and obsolete state seed commissioner tags or labels. The  
6           state seed commissioner shall give credit for the return of obsolete tags  
7           or labels after deducting all costs of printing and handling.

8           (f) If the state seed commissioner grants a distributor a permit to  
9           report the quantity of seed sold and pay the inspection fee on the basis  
10          of this report instead of attaching or furnishing state seed commissioner  
11          tags or labels as provided in this section, the distributor may return for  
12          credit, not later than sixty (60) days after issuance of the permit, all  
13          unused state seed commissioner tags or labels whether obsolete or not.  
14          The state seed commissioner shall credit the distributor those tags or  
15          labels:

16               (1) submitted as blank at the purchase price; and

17               (2) that have been filled out at the purchase price less the cost of  
18               printing and handling.

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

27          (h) (b) A person who distributes agricultural or vegetable seed in  
28          Indiana may apply to the state seed commissioner for a permit to use  
29          the person's own labeling, report the quantity of seed sold, and pay the  
30          inspection fee on the basis of the report. instead of attaching or  
31          furnishing state seed commissioner tags or labels. The inspection fee  
32          is the following:

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

37               (2) Nine cents (\$0.09) per one hundred (100) pounds of all  
38               agricultural seed other than seeds described in subdivision (1);

1 with a minimum payment of two and one-fourth cents (~~\$0.0225~~)  
 2 for each package or container of more than one (~~1~~) pound.

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

6 (~~ii~~) **(c)** In making application for a permit under ~~subsection (h)~~;  
 7 **subsection (b)**, the distributor must agree to the following:

8 (1) Label the seed with the information required by law.

9 (2) Keep the records the state seed commissioner considers  
 10 necessary to indicate accurately the number and size of containers  
 11 of each kind of agricultural and vegetable seed distributed and the  
 12 quantity of such seed distributed in bulk.

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

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

20 (~~ii~~) **(d)** The state seed commissioner may grant a permit under  
 21 ~~subsection (h)~~ **subsection (b)** if the state seed commissioner  
 22 determines that the applicant's proposed report of the quality of  
 23 agricultural and vegetable seed sold will lead to efficient enforcement  
 24 of this chapter. The state seed commissioner may revoke the permit at  
 25 any time if it appears to the state seed commissioner that the distributor  
 26 is not complying with the agreement described in subsection (~~ii~~) **(c)** or  
 27 this chapter. ~~The report of sales is due and the inspection fees payable~~  
 28 ~~quarterly, on the last day of the month following the end of the quarter.~~  
 29 If:

30 (1) the report is not filed and the inspection fee not paid before  
 31 ten (10) days following the due date;

32 (2) the report of volume is false; or

33 (3) the labeling requirements of this chapter have not been  
 34 complied with;

35 the state seed commissioner may revoke the permit. If the inspection  
 36 fee is unpaid after the ten (10) day grace period, a penalty shall be  
 37 assessed in the amount of ten percent (10%) in addition to the amount  
 38 due.

1           **(e) The report of quantity sold required under subsection (c)(4)**  
 2 **is due, and the inspection fees required under this chapter are**  
 3 **payable, semiannually on the last day of the month following the**  
 4 **end of the semiannual period. The first half reporting period ends**  
 5 **June 30 and the second half reporting period ends December 31.**

6           SECTION 9. IC 15-15-1-41, AS ADDED BY P.L.2-2008,  
 7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2010]: Sec. 41. A person may not do any of the following:

9           (1) Detach, alter, deface, or destroy any label provided for in this  
 10 chapter or the rules adopted under this chapter.

11           (2) Alter or substitute seed in a manner that may defeat the  
 12 purpose of this chapter.

13           (3) Disseminate false or misleading advertisements concerning  
 14 agricultural or vegetable seed.

15           (4) Hinder or obstruct in any way an authorized person in the  
 16 performance of the person's duties under this chapter.

17           (5) Fail to comply with a stop sale order issued under section 27  
 18 of this chapter.

19           (6) Use the word:

20           (A) "trace" as a substitute for any statement required by this  
 21 chapter; or

22           (B) "type" in any labeling in connection with the name of any  
 23 seed variety.

24           (7) Use a state seed commissioner tag or label more than once.

25           (8) Sell grain or other seed that has been treated to any person for  
 26 any purpose unless the grain or seed is clearly labeled as required  
 27 in sections 32 and 33 of this chapter.

28           (9) Distribute seed colored so that it does not contrast with the  
 29 natural color of the seed.

30           (10) Distribute noxious weed seed **without a special use permit**  
 31 **issued by the seed commissioner under section 27(b)(17) of**  
 32 **this chapter.**

33           (11) Assign the same brand designation to more than one (1)  
 34 variety or blend of the same kind of seed, if not sold by variety  
 35 name.

36           **(12) Use relabeling stickers unless the relabeling stickers**  
 37 **state:**

38           **(A) both the calendar month and year the germination test**

1           **was completed and the sell-by date, as required under**  
 2           **sections 32 and 33 of this chapter; and**  
 3           **(B) the lot number that matches the existing original lot**  
 4           **number.**

5           **(13) Relabel a seed lot using stickers more than once."**

6           Page 17, between lines 21 and 22, begin a new paragraph and insert:  
 7           "SECTION 14. IC 26-4-3-5 IS AMENDED TO READ AS  
 8           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The board shall  
 9           meet at least two (2) times each year. One (1) meeting of the board  
 10          must be held in ~~May~~ **July**."

11          Page 17, between lines 35 and 36, begin a new paragraph and insert:  
 12          "SECTION 15. IC 26-4-4-9, AS AMENDED BY P.L.5-2009,  
 13          SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14          UPON PASSAGE]: Sec. 9. (a) At the ~~May~~ **July** meeting required under  
 15          IC 26-4-3-5, the board shall certify the amount of money in the fund on  
 16          ~~May~~ **June 30**.

17          (b) Except as provided in section 8(c) of this chapter, the board may  
 18          not require the collection of a producer premium during a fiscal year  
 19          when the board certifies under subsection (a) that the fund has money  
 20          in excess of ten million dollars (\$10,000,000). If the fund is at or below  
 21          ten million dollars (\$10,000,000), the board shall reinstate the  
 22          collection."

23          Page 20, between lines 39 and 40, begin a new paragraph and insert:  
 24          "SECTION 32. [EFFECTIVE JULY 1, 2010] **(a) The state seed**  
 25          **commissioner shall adopt rules under IC 15-15-1-27(b)(18) that**  
 26          **concern IC 15-15-1-32 and IC 15-15-1-33, both as amended by this**  
 27          **act, before July 1, 2011.**

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

30          **(c) This SECTION expires July 2, 2011."**

- 1 Page 20, after line 42, begin a new paragraph and insert:
- 2 "SECTION 34. **An emergency is declared for this act.**".
- 3 Renumber all SECTIONS consecutively.  
(Reference is to HB 1230 as printed January 21, 2010.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 9, Nays 0.

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**Alting**

**Chairperson**