

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 114

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO THE PURE SEED LAW; AMENDING SECTION 22-413, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF SPECIFIED LAW TO THE CULTIVATION, PRODUCTION AND PROCESSING OF SEEDS AND TO PROHIBIT REGULATION BY POLITICAL SUBDIVISIONS RELATING TO THE CULTIVATION, PRODUCTION AND PROCESSING OF SEEDS; AND AMENDING SECTION 22-414, IDAHO CODE, TO DEFINE TERMS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 22-413, Idaho Code, be, and the same is hereby amended to read as follows:

22-413. STATEWIDE JURISDICTION AND PREEMPTION. (1) This chapter and its provisions are of statewide concern and occupy the whole field of regulation regarding the cultivation, production, processing, registration, labeling, sale, storage, transportation, distribution, notification of use, use of seeds, and planting of seeds to the exclusion of all local ordinances or regulations. Except as otherwise specifically provided in this chapter, no ordinance or regulation of any political subdivision may prohibit or in any way attempt to regulate any matter relating to the cultivation, production, processing, registration, labeling, sale, storage, transportation, distribution, notification of use, use of seeds, or planting of seeds.

(2) The provisions of subsection (1) of this section shall not preempt county or city local zoning ordinances governing the physical location or siting of seed facilities.

SECTION 2. That Section 22-414, Idaho Code, be, and the same is hereby amended to read as follows:

22-414. DEFINITIONS. When used in this act:

(1) "Advertisement" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of the chapter.

(2) "Agricultural seeds" includes the seeds of grass, forage, cereal and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural, turf, or field seeds, and mixtures of such seeds, but specifically does not include seed potatoes as defined in section 22-501, Idaho Code.

(3) "Blend" means seed consisting of more than one (1) variety of a kind, each in excess of five percent (5%) by weight of the whole.

(4) "Certifying agency" means:

(a) An agency authorized under laws of a state, territory, or possession to officially certify seed and which has standards and procedures approved by the U.S. secretary of agriculture to assure the genetic purity and identity of the seed certified; or

1 (b) An agency of a foreign country determined by the U.S. secretary of  
 2 agriculture to adhere to procedures and standards for seed certifica-  
 3 tion comparable to those adhered to generally by seed certifying agen-  
 4 cies under paragraph (a) of this subsection.

5 (5) "Crop seed" means any agricultural, vegetable or flower seed, other  
 6 than the pure seed, present in a lot of seed and which weighs less than five  
 7 percent (5%) of the total weight of the lot.

8 (6) "Cultivation" means:

9 (a) Preparing and using soil for growing plants; or

10 (b) Growing and caring for plants under conditions that can be con-  
 11 trolled.

12 (7) "Director" means the director of the department of agriculture of  
 13 the state of Idaho.

14 (78) "Flower seeds" includes seeds of herbaceous plants grown for their  
 15 blooms, ornamental foliage, or other ornamental parts, and commonly known  
 16 and sold under the name of flower seeds in this state.

17 (89) "Grower's or collector's declaration" means a statement signed by  
 18 the grower or collector giving for any lot of seed the lot number, the kind,  
 19 the variety, origin, and weight.

20 (910) "Hard seed" means any viable agricultural, vegetable or flower  
 21 seed that fails to germinate within the prescribed germination period due to  
 22 an impermeable seed coat.

23 (101) "Hybrid" means the first generation seed of a cross produced by  
 24 controlling the pollination and by combining one (1) of three (3) combina-  
 25 tions:

26 (a) Two (2) or more inbred lines;

27 (b) One (1) inbred or a single cross with an open pollinated variety; or

28 (c) Two (2) varieties or species, except open pollinated varieties of  
 29 corn (*Zea mays*).

30 The second generation or subsequent generations from such crosses shall not  
 31 be regarded as hybrids. Hybrid designations shall be treated as variety  
 32 names.

33 (112) "Inert matter" means the collective parts of incomplete plants,  
 34 seeds, seedlike structures and other nonseed particles present in a lot of  
 35 seed.

36 (123) "In-state seed dealer" means any seed dealer with an established  
 37 plant, warehouse or place of business in the state of Idaho.

38 (134) "Kind" means one (1) or more related species or subspecies which  
 39 singly or collectively is known by one (1) common name, for example, as  
 40 wheat, oat, vetch, sweet clover, cabbage, or cauliflower.

41 (145) "Labeling" includes all labels, and other written, printed, or  
 42 graphic representations in any form whatsoever, accompanying and pertaining  
 43 to any seed whether in bulk or in containers, and includes invoices.

44 (156) "Lot of seed" means a definite quantity of seed identified by a lot  
 45 number or other lot identification every portion or bag of which is uniform,  
 46 within permitted tolerances, for the factors which appear in the labeling.

47 (167) "Mixture," "mix," or "mixed" means seed consisting of more than  
 48 one (1) kind, each in excess of five percent (5%) by weight of the whole.

1 (178) "Noxious weed seeds" means the seeds of any plant which is deter-  
2 mined by the director to be injurious to public health, crops, livestock,  
3 land or other property. They are divided into two (2) classes:

4 (a) "Prohibited noxious weed seeds" are the seeds which when estab-  
5 lished are highly destructive and difficult to control in this state by  
6 ordinary good cultural practices.

7 (b) "Restricted noxious weed seeds" are the seeds of such weeds as are  
8 very objectionable in fields, lawns, or gardens but can be controlled by  
9 good cultural practices.

10 The director shall publish and maintain a list of all noxious weeds,  
11 which shall also be included in the rules of the department of agriculture.  
12 Pursuant to administrative rules, the director may add to or subtract from  
13 the list of seeds included under either definition. Any addition or subtrac-  
14 tion is effective thirty (30) days after publication.

15 (189) "Origin" for an indigenous stand of trees is the area on which the  
16 trees are growing; for a nonindigenous stand, it is the place from which the  
17 seeds or plants were originally introduced.

18 (1920) "Out-of-state seed dealer" means any seed dealer selling or  
19 shipping seed into the state of Idaho without owning an established plant,  
20 warehouse or place of business in Idaho.

21 (201) "Person" shall include any individual, partnership, corporation,  
22 company, society or association.

23 (212) "Private hearing" may consist of a discussion of facts between the  
24 person charged with a violation of the provisions of this chapter and the en-  
25 forcement officer.

26 (23) "Processing" means a continuous action, operation or series of  
27 changes taking place in a definite manner or a series of actions that produce  
28 something or that lead to a particular result.

29 (224) "Producer" means any person who is the owner, tenant or operator  
30 of land who has an interest in and receives all or part of the proceeds from  
31 the sale of seeds produced on that land.

32 (25) "Production" means the process of making or growing seeds for sale  
33 or use.

34 (236) "Record" is all information relating to a shipment of seed and  
35 must include a file sample of each lot of seed, purity, and current germi-  
36 nation test documentation. For tree and shrub seed, the record must also  
37 include all documents supporting the statement of origin and elevation of  
38 the seed.

39 (247) "Seed dealer" means any person that lets it be known by any means  
40 or manner that he has seed offered for sale.

41 (28) "Seeds" means all seeds as defined in this section.

42 (259) "Stop sale" means an administrative order restraining the sale,  
43 use, disposition, and movement of a designated seed lot.

44 (2630) "Tree seed and shrub seed" includes seeds of woody plants com-  
45 monly known and sold as tree seed and shrub seeds.

46 (2731) "Variety" means a subdivision of a kind which is characterized by  
47 growth, plant, fruit, seed or other characteristics by which it can be dif-  
48 ferentiated from other sorts of the same kind.

1           (~~28~~32) "Vegetable seeds" means the seeds of those crops which are grown  
2 in gardens or on truck farms and are generally known and sold under the name  
3 of vegetable seeds.

4           (~~29~~33) "Weed seeds" means the seeds of all plants recognized as weeds by  
5 the director.