

HOUSE BILL 0114HOUSE BILL 0114

Title: AN ACT to create W.S. 11-12-122; to amend and renumber W.S. 11-12-122 as 11-12-123; to amend W.S. 11-12-104 through 11-12-104, 11-12-105(a)(vi) and (c), 11-12-106 through 11-12-110, 11-12-112 through 11-12-116, 11-12-118, 11-12-120 and 11-12-121; and to repeal W.S. 11-12-111 relating to seeds; providing for licensure of sellers of agriculture, vegetable, flower and tree seed; increasing license fees; declaring certain weeds to be prohibited noxious weeds; granting rulemaking authority to the board to establish a list of restricted noxious weeds and to establish tolerances for each species; providing for the disposition to be made of impounded seed; establishing minimum requirements for lawn grass seed; providing a limitation on common weed seeds contained in seeds sold in bulk; restricting importation of seeds; providing standards for seed testing; granting the board authority to establish a quarantine; providing definitions; providing penalties; and providing for an effective date.

Introduced by: *William "Bert" Linn, Dale Wright, Shirley J. Humphrey*

DATE	ACTION	DATE	ACTION
JAN 12 1983	READ FIRST TIME	2-23-83	STANDING COMM. REPORT
	REFERRED TO COM. NO. <u>5</u>		<b>DO PASS</b>
	DELIVERED TO COM. NO. <u>5</u>	2-24-83	CONSIDERED ON COMM. OF WHOLE
JAN 17 1983	RETURNED		<b>DO PASS</b>
	Recommended Amend and Do Pass	2-25-83	READ SECOND TIME
JAN 19 1983	CONSIDERED IN COM. OF WHOLE		AMENDED AS FOLLOWS <u>HB 114 S31-AE</u>
	Standing Com. Amendment <u>HB 114 H31/A</u>	2-28-83	READ THIRD TIME
	<b>ADOPTED</b>		AMENDED AS FOLLOWS <u>HB 114 S31-AE</u>
	RECOMMENDED DO.....PASS		
JAN 20 1983	READ SECOND TIME		AYES <u>1</u> NOES <u>2</u> EXCUSED <u>1</u> ABSENT <u>0</u>
	Amended as follows <u>HB 114 H31/A</u>		SENT TO HOUSE
	<b>ADOPTED</b>	FEB 8 1983	<i>Rep. Humphrey moved to amend on Senate Amendment</i>
JAN 21 1983	READ THIRD TIME		Received Amended House did concur on Senate Amendments
	<u>AYES 4</u> NOES <u>0</u> EXCUSED <u>0</u> ABSENT <u>0</u>		<u>AYES 4</u> NOES <u>0</u> EXCUSED <u>0</u> ABSENT <u>0</u>
	Sent to Senate		
1/31/83	RECEIVED FROM HOUSE		RECEIVED FROM SENATE
	SENT TO LSO FOR ENGROSSING		SENT TO LSO FOR ENROLLING
	RECEIVED FROM LSO ENGROSSED		RECEIVED FROM LSO ENROLLED
1/31/83	<b>ENGROSSED</b>		HEA NO. <u>100</u>
	<i>Sent to Senate</i>		SIGNED BY SPEAKER <u>3-2-83</u>
1/24/83	Received from House		SIGNED BY PRESIDENT <u>3-2-83</u>
	Read First Time		APPROVED BY GOVERNOR <u>3-8-83</u>
	Unrepealed to Com. No. <u>5</u>		CHAPTER NO. <u>169</u> SESSION LAWS OF WYOMING

CONTINUED ON BACK

# *WB114**Edward Anderson*

Date

*1/21/83*

# Roll Call of the House of the FORTY-SEVENTH LEGISLATURE of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				PARKER	✓			
BARLOW	✓				PERKINS	✓			
BLACKWELL	✓				PHELAN	✓			
BROWN	✓				RANDOLPH	✓			
BUDD	✓				RATLIFF	✓			
BURNS	✓				ROBERTSON	✓			
BURTON	✓				ROTH	✓			
BYRD	✓				SALISBURY	✓			
CHAMBERLAIN	✓				SANDERS	✓			
CROSS	✓				SCHMIDT	✓			
DICKEY	✓				SCHWOPE	✓			
DOBOS	✓				SHREVE	✓			
<del>DOOLEY</del>					SIDI	✓			
EDWARDS	✓				SIMONS	✓			
GERINGER	✓				SIMPSON	✓			
GETTER	✓				SORENSEN	✓			
GRANT	✓				STAUFFER	✓			
HAGEMAN	✓				STEWART	✓			
HANSEN	✓				STRAND	✓			
HARRISON	✓				TIPTON	✓			
HENDRICKS	✓				TYSDAL	✓			
HERBST	✓				URBIGKIT, D.	✓			
HUMPHREY	✓				URBIGKIT, W.	✓			
JACKSON	✓				WALLIS	✓			
JENSEN	✓				WEAVER	✓			
JONES	✓				WIEDERSPAHN	✓			
LARSON, T.	✓				WOLFLEY	✓			
MACMILLAN	✓				ZUMBRUNNEN	✓			
MADER	✓				MR. SPEAKER	✓			
MALDONADO	✓								
MARTON	✓								
MCILVAIN	✓								
MEENAN	✓								
MICHEL	✓								
MURPHY	✓								
ODDE	✓								

PRESENT

AYES

*64*

NOES

EXCUSED

ABSENT

TOTAL

*64*

LESS

HB 114 3d Date 2/28/83

# Roll Call of the Senate

of the FORTY-SEVENTH LEGISLATURE  
of Wyoming

	Excused	Absent	Ayes	Noes
ARNEY			✓	
BOYLE			✓	
CUNDALL			✓	
DIXON			✓	
EDDINS			✓	
FRISBY			✓	
GEIS				✓
HICKEY			✓	
KINNISON			✓	
LARSON, R.			✓	
MAJHANOVICH			✓	
<del>MOORE</del>				
NICHOLAS			✓	
NORRIS			✓	
PARKS-GADDIS			✓	
PECK	✓			
PREVEDEL			✓	
PROFFIT			✓	
PUGH			✓	
RECTOR			✓	
SCOTT			✓	
SEDAR			✓	
STAFFORD			✓	
STROOCK				✓
TAGGART			✓	
TROWBRIDGE			✓	
TRUE			✓	
TURNER			✓	
VINICH			✓	
ZIMMER			✓	
MR. PRESIDENT			✓	

PRESENT \_\_\_\_\_

AYES	27
NOES	2
EXCUSED	1
ABSENT	0
TOTAL	30

#913114

Date

2/28/83

# Roll Call of the House

of the FORTY-SEVENTH LEGISLATURE  
of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				PARKER	✓			
BARLOW	✓				PERKINS	✓			
BLACKWELL	✓				PHELAN	✓			
BROWN	✓				RANDOLPH	✓			
BUDD	✓				RATLIFF	✓			
BURNS	✓				ROBERTSON	✓			
BURTON	✓				ROTH	✓			
BYRD	✓				SALISBURY	✓			
CHAMBERLAIN	✓				SANDERS	✓			
CROSS	✓				SCHMIDT	✓			
DICKEY	✓				SCHWOPE	✓			
DOBOS	✓				SHREVE	✓			
<del>DOUGLAS</del>					SIDI	✓			
EDWARDS	✓				SIMONS	✓			
GERINGER	✓				SIMPSON	✓			
GETTER	✓				SORENSEN	✓			
GRANT	✓				STAUFFER	✓			
HAGEMAN	✓				STEWART	✓			
HANSEN	✓				STRAND	✓			
HARRISON	✓				TIPTON	✓			
HENDRICKS	✓				TYSDAL	✓			
HERBST	✓				URBIGKIT, D.	✓			
HUMPHREY	✓				URBIGKIT, W.	✓			
JACKSON	✓				WALLIS	✓			
JENSEN	✓				WEAVER	✓			
JONES	✓				WIEDERSPAHN	✓			
LARSON, T.	✓				WOLFLEY	✓			
MACMILLAN	✓				ZUMBRUNNEN	✓			
MADER	✓				MR. SPEAKER	✓			
MALDONADO	✓				PRESENT _____ AYES <u>64</u> NOES _____ EXCUSED _____ ABSENT _____ TOTAL <u>64</u> LESS _____				
MARTON	✓								
MCILVAIN	✓								
MEENAN	✓								
MICHEL	✓								
MURPHY	✓								
ODDE	✓								

## THE LEGISLATURE OF THE STATE OF WYOMING

## House of Representatives

HB 0114 HSI/

Cheyenne, January 17, 1983

Mr. Speaker:

Your Committee No. 5 on AGRICULTURE, PUBLIC LANDS & WATER RESOURCES  
 to whom was referred H.B. No. 0114

respectfully reports same back to the House with the recommendation that it

DO PASS with the following amendments:

Page 1 - line 7 After "3" insert "increasing license fees"  
 Page 3 - line 18 Before "ATTORNEY" insert "OR COUNTY AND PROSECUTING".

Page 6 - line 21 Strike "ten" insert "TWENTY";  
 strike "(\$10.00)" insert "(\$20.00)".

Page 15 - line 19 Delete "attorneys" insert "or county and prosecuting attorney".

Page 15 - line 20 Before "attorney" insert "OR COUNTY AND PROSECUTING".

X

AYES

Arnold, S.  
 Burns, K.  
 Geringer, J.  
 Hageman, J.

Humphrey, S.  
 Mader, K.  
 Simons, M.  
 Cross, W.

NOES

0

ABSENT

Budd, D.  
 Herbst, D.

William A. "Roy" Cross  
 Wm. A. "Roy" Cross  
 Chairman

House of Intro			
_____	To Com No.	_____	
_____	Stand Report Do	Amd _____	Not _____
_____	Com Whole Do	Amd _____	Not _____
_____	2nd Reading Amd	_____	
_____	3rd Reading Amd	Pass _____	Fail _____

Second House			
_____	To Com No.	_____	
_____	Stand Report Do	Amd _____	Not _____
_____	Com Whole Do	Amd _____	Not _____
_____	2nd Reading Amd	_____	
_____	3rd Reading Amd	Pass _____	Fail _____

**INTRODUCED**

1983

STATE OF WYOMING

83LSO-0047.01  
AG

HOUSE BILL NO. 0114

Seed Act.

Sponsored by: Representative(s) CROSS, D. URBIGKIT and HUMPHREY

A BILL

for

1 AN ACT to create W.S. 11-12-122; to amend and renumber  
2 W.S. 11-12-122 as 11-12-123; to amend W.S. 11-12-101 thru  
3 11-12-104, 11-12-105(a)(vi) and (c), 11-12-106 through  
4 11-12-110, 11-12-112 through 11-12-116, 11-12-118,  
5 11-12-120 and 11-12-121; and to repeal W.S. 11-12-111  
6 relating to seeds; providing for licensure of sellers of  
7 agriculture, vegetable, flower and tree seed; declaring  
8 certain weeds to be prohibited noxious weeds; granting  
9 rule making authority to the board to establish a list of  
10 restricted noxious weeds and to establish tolerances for  
11 each species; providing for the disposition to be made of

1     impounded seed; establishing minimum requirements for lawn  
2     grass seed; providing a limitation on common weed seeds  
3     contained in seeds sold in bulk; restricting importation  
4     of seeds; providing standards for seed testing; granting  
5     the board authority to establish a quarantine; providing  
6     definitions; providing penalties; and providing for an  
7     effective date.

8     Be It Enacted by the Legislature of the State of Wyoming:

9             Section 1. W.S. 11-12-122 is created to read:

10            11-12-122. Quarantine.

11            (a) The board, in compliance with this act, may  
12     promulgate rules and regulations to establish a quarantine  
13     against the entry into Wyoming and intrastate movement of  
14     seed containing prohibited noxious weed seed and  
15     restricted noxious weed seed which exceeds the tolerance  
16     established and may enter into an agreement with law  
17     enforcement agencies to carry out the quarantine provi-  
18     sions.

19            (b) Seed shall be free of prohibited noxious weed  
20     seed and shall not exceed the tolerance on restricted nox-  
21     ious weed seed prior to entry into the state or shall be  
22     so verified by proper authority in the state of origin.

1 (c) Seed shall be free of prohibited noxious weed  
2 seed and shall not exceed the tolerance on restricted nox-  
3 ious weed seed prior to intrastate movement, or shall be  
4 so verified by the commissioner.

5 (d) Interstate shipments through the state shall be  
6 covered in a prescribed manner so as not to allow the dis-  
7 semination of noxious weed seed.

8 Section 2. W.S. 11-12-122 is amended and renumbered  
9 as 11-12-123 to read:

10 ~~11-12-122~~ 11-12-123. Penalties; department author-  
11 ized to investigate and file complaint. Any person violat-  
12 ing ~~W.S. 11-12-120~~, ANY PROVISION OF THIS ACT IS GUILTY OF  
13 A MISDEMEANOR AND shall be fined not more than ~~one~~ TWO  
14 hundred dollars ~~(\$100.00)~~ (\$200.00), or imprisoned for not  
15 more than six (6) months, or both FOR EACH OFFENSE. The  
16 commissioner is authorized to investigate alleged viola-  
17 tions and to file a complaint with the proper district  
18 ~~attorneys~~ ATTORNEY for the prosecution of ~~such~~ violations.

19 Section 3. W.S. 11-12-101 through 11-12-104,  
20 11-12-105(a)(vi) and (c), 11-12-106 through 11-12-110,  
21 11-12-112 through 11-12-116, 11-12-118, 11-12-120 and  
22 11-12-121 are amended to read:



1           11-12-101. Definitions.

2           (a) As used in this act:

3                   (i) "Agricultural seeds" means any ~~grass,~~  
4           ~~forage--or--field~~ AGRONOMIC crop seeds OR SEEDS FROM  
5           AGRICULTURAL CROPS AS DEFINED IN W.S. 11-1-101;

6                   (ii) "FLOWER SEED" MEANS SEEDS OF HERBACEOUS  
7           PLANTS GROWN FOR THEIR BLOOMS, ORNAMENTAL FOLIAGE OR OTHER  
8           ORNAMENTAL PARTS AND COMMONLY KNOWN AND SOLD UNDER THE  
9           NAME OF FLOWER SEEDS IN THIS STATE;

10                   (iii) "PROHIBITED NOXIOUS WEEDS" MEANS THE  
11           WEEDS OR SEEDS OR PLANT PARTS THEREOF LISTED BY W.S.  
12           11-12-104. NOXIOUS WEED SEED LISTED AS PROHIBITED IN ALL  
13           OTHER STATES SHALL BE CONSIDERED PROHIBITED IN THIS STATE;

14                   (iv) "RESTRICTED NOXIOUS WEED SEEDS" MEANS ANY  
15           SPECIES OF WEED SEEDS FOR WHICH THE BOARD BY REGULATION  
16           HAS ESTABLISHED A TOLERANCE;

17                   (v) "SEED" MEANS THE PROPAGATIVE PART OF A  
18           PLANT NORMALLY CAPABLE OF GERMINATION TO PRODUCE A NEW  
19           PLANT, INCLUDING OVULES, TUBERS AND BULBS;

20                   (vi) "TREE SEED" MEANS SEEDS OF WOODY PLANTS

1 COMMONLY KNOWN AND SOLD AS TREE AND SHRUB SEEDS IN THIS  
2 STATE;

3 ~~{ii}~~(vii) "Vegetable seeds" means the seeds of  
4 those crops that are or may be grown in gardens or truck  
5 farms and are generally known and sold under the name of  
6 vegetable seeds, ~~exclusive of seed potatoes~~ IN THIS STATE;

7 ~~{iii}~~(viii) "This act" means W.S. 11-12-101  
8 through ~~11-12-122~~ 11-12-123.

9 11-12-102. Exceptions to applicability.

10 (a) This act does not apply to any person who:  
11 ~~{i}--Grows,--sells--or--offers--for--sale--agricultural--grains~~  
12 ~~for--feed--or--feeding--purposes,--or--grade--seed--beans--or--grade~~  
13 ~~seed--potatoes--grown--within--the--state,--{ii}~~

14 (i) Has agricultural, or vegetable, FLOWER OR  
15 TREE seeds in storage for recleaning, but are not proc-  
16 essed and sold or offered for sale for seed purposes  
17 within the state;

18 ~~{iii}--Sells--or--distributes--sugar--beet--seed--to~~  
19 ~~growers--contracting--the--growing--and--delivery--of--sugar~~  
20 ~~beets--to--the--vender--or--distributor,--but--sugar--beet--seed--is~~  
21 ~~subject--to--W.S.--11-12-104.~~

1           **~~(b)~~**    (ii)    ~~This-act-does-not-apply-to~~ IS a resident  
2 grower of agricultural, ~~or~~ vegetable, FLOWER OR TREE seeds  
3 who sells his seed to seed merchants;

4           **~~(e)~~**    (iii)    ~~W.S.--11-12-103-does-not-apply-to--a~~ ANY  
5 resident grower ~~of--agricultural-and-vegetable-seeds~~ who  
6 sells or offers for sale ANY agricultural, ~~or~~ vegetable,  
7 FLOWER OR TREE seeds grown only by him and sold or offered  
8 for sale at the headquarters of his ~~farm~~ operations  
9 directly to ~~farmer~~ GROWER planters of the seed and not for  
10 resale IS EXEMPT FROM THE LICENSING PROVISIONS UNDER W.S.  
11 11-12-103.

12           11-12-103. Licensing of seed dealers. No person  
13 shall sell or offer for sale or distribution in Wyoming  
14 any agricultural, ~~or~~ vegetable, FLOWER OR TREE seeds with-  
15 out obtaining a license from the state department of  
16 agriculture. ~~Such~~ THE license shall expire annually on  
17 December 31. Application for ~~such~~ THE license shall  
18 include the name and address of the person to whom the li-  
19 cense is to be issued and the location of the place or  
20 places of business of the applicant. The application shall  
21 be accompanied by a license fee of ten dollars (\$10.00)  
22 for each place of business selling seeds in packets, pack-  
23 ages or bulk of ten (10) pounds or more. This section

1 shall not apply to any person licensed in accordance with  
2 W.S. 11-11-103.

3 11-12-104. Sale, etc., of certain noxious weed seeds  
4 prohibited; impounding by commissioner; conditions to  
5 release; allowed tolerance for other noxious weeds.

6 (a) No person shall sell or offer for sale or  
7 distribution in Wyoming any agricultural, ~~or~~ vegetable,  
8 FLOWER OR TREE seeds which contain any PROHIBITED NOXIOUS  
9 WEED seeds ~~of-the-following~~ LISTED IN SUBSECTION (b) OF  
10 THIS SECTION OR ANY RESTRICTED noxious weeds, WEED SEEDS  
11 WHICH EXCEED THE TOLERANCE ESTABLISHED UNDER SUBSECTION  
12 (c) OF THIS SECTION.

13 {i}--Horsenettle-(~~solanum-carolinense~~),

14 {ii}--White-----horsenettle-----(~~solanum~~  
15 ~~elaeagnifolium~~),

16 {iii}--Austrian-field-cress-(~~roripa-austriaca~~),

17 {iv}--Camelthorn-(~~alhagi-camelorum~~),

18 (b) PROHIBITED NOXIOUS WEEDS ARE AS FOLLOWS:

19 {v}{i} Field bindweed (~~convolvulus~~ arvensis);

20 {vi}{ii} Canada thistle (~~cirsium~~ arvense);

- 1                   ~~{viii}~~(iii) Leafy spurge (*euphorbia esula*);
- 2                   ~~{viiii}~~(iv) Perennial sow thistle (*sonchus*  
3   *arvensis*);
- 4                   ~~{ix}~~(v) Quackgrass (*agropyron repens*);
- 5                   ~~{x}~~(vi) Russian knapweed (*contaurea repens*);
- 6                   ~~{xi}~~--St.--Johnswort--(*hypericum perforatum*)†
- 7                   ~~{xii}~~--Whitetop--(*lepidium--draba*†--*repens*--and  
8   *hymenophyssa-pubescens*)†
- 9                   ~~{xiii}~~(vii) Ox-eye daisy (*chrysanthemum*  
10   *leucanthemum*);
- 11                   ~~{xiv}~~--White----leaved---*franseria*---(*franseria*  
12   *discolor*)†
- 13                   ~~{xv}~~--Perennial-nutgrass-(*cyperus-retundus*)†-or
- 14                   ~~{xvi}~~--Yellow-nutgrass-(*cyperus-esculentus*)-
- 15                   (viii) HOARY CRESS (*CARDARIA DRABA*);
- 16                   (ix) PERENNIAL PEPPERWEED (*LEPIDIUM*  
17   *LATIFOLIUM*);
- 18                   (x) SKELETONLEAF BURSAGE (*FRANSERIA DISCOLOR*);

- 1            (xi)    YELLOW TOADFLAX (LINARIA VULGARIS);
- 2            (xii)   DALMATION   TOADFLAX (LINARIA DALMATICA);
- 3            (xiii)   SCOTCH THISTLE   (ONOPORDUM   ACANTHIUM);
- 4            (xiv)    MUSK THISTLE (CARDUUS NUTANS);
- 5            (xv)    COMMON BURDOCK (ARCTIUM MINUS);
- 6            (xvi)    PLUMELESS THISTLE (CARDUUS ACANTHOIDES);
- 7            (xvii)   DYERS WOAD (ISATIS TINCTORIA L); AND
- 8            (xviii)   HOUNDSTONGUE   (CYNOGLOSSUM OFFICINNALE
- 9            L).

10           (c)    THE BOARD   MAY   PROMULGATE,   ADOPT   AND   PUBLISH

11           RULES   AND   REGULATIONS   IN   ACCORDANCE   WITH   THE WYOMING

12           ADMINISTRATIVE PROCEDURE ACT FOR THE PURPOSE OF ESTABLISH-

13           ING A LIST OF RESTRICTED NOXIOUS WEED SEEDS AND ESTABLISH-

14           ING A TOLERANCE FOR EACH RESTRICTED SPECIES.   IN   NO   CASE

15           SHALL THE TOLERANCE ON RESTRICTED NOXIOUS WEED SEED EXCEED

16           FORTY-FIVE   (45) SEEDS PER POUND IN SMALL SEEDED CROPS AND

17           FIVE (5) SEEDS PER POUND IN   SMALL   GRAINS   AND   SEEDS   OF

18           SIMILAR SIZE.

19           ~~(b)~~(d)   Any   agricultural,   or   vegetable,   FLOWER OR

1 TREE seeds which contain any ~~such~~ PROHIBITED noxious weed  
2 seeds OR EXCEEDS THE TOLERANCE ESTABLISHED ON RESTRICTED  
3 NOXIOUS WEED SEEDS shall be removed from sale in Wyoming  
4 and impounded by the commissioner ~~or-his-authorized-seed~~  
5 ~~inspectors-or-agents~~ and shall be released only for the  
6 following purposes:

7 (i) For complete destruction;

8 (ii) For removal outside of the state;

9 (iii) To be recleaned to the point that no  
10 ~~such~~ PROHIBITED noxious weed seeds are present, or TO THE  
11 POINT THAT THE TOLERANCE ESTABLISHED ON RESTRICTED NOXIOUS  
12 WEED SEEDS IS NOT EXCEEDED;

13 (iv) For processing in such a way as to make  
14 the weed seeds ~~nonviable~~ HARMLESS and to be sold as feed;  
15 - OR

16 (v) FOR BURIAL IN AN APPROVED LANDFILL DUMP.

17 ~~{e}--A-tolerance-of-not-more-than-forty-five--(45)~~  
18 ~~weed-seeds-per-pound,-or-one-(1)-seed-in-ten-(10)-grams-of~~  
19 ~~the-small-seeded-crops-and-five-(5)-seeds-per-pound-in~~  
20 ~~serghums-and-small-grains,-is-allowed-in-the-following~~  
21 ~~secondary-noxious-weeds.~~

- 1                   {*i*}--Dodder-~~(euscuta-species)~~†
- 2                   {*ii*}--Blue-mustard-~~(cherespora-tenella)~~†
- 3                   {*iii*}--Yellow-----star-----thistle-----~~(centaurea~~  
4   *selestialis*)†
- 5                   {*iv*}--Buckhorn-plantain-~~(plantago--lanceolata)~~†
- 6                   {*v*}--Puncture-vine-~~(tribulus-terrestris)~~†
- 7                   {*vi*}--Blue-----flowering-----lettuce-----~~(lactuca~~  
8   *pulchella*)†
- 9                   {*vii*}--Austrian-peaweed--~~(swainsonia--salsola)~~†
- 10                   {*viii*}--Perennial-----ragweed-----~~(ambrosia~~  
11   *psilestachya*)†-and
- 12                   {*ix*}--Poverty-weed-~~(iva-axillaris)~~†

13           11-12-105. Labeling of packages, etc., required;  
14   contents; exception.

15           (a) Each package or lot of seed, whether in package  
16   or bulk, which is sold or offered for sale in Wyoming,  
17   shall be legibly labeled in English upon the exterior of  
18   the container with a written or printed label. The label  
19   shall show:



1 (vi) Name and number of each kind of ~~secondary~~  
2 RESTRICTED noxious weed seeds per pound; and

3 (c) This section does not apply to FLOWER, TREE,  
4 garden or vegetable seeds labeled to comply with labeling  
5 requirements of the United States department of  
6 agriculture by authority of the Federal Seed Act.

7 11-12-106. Lawn grass seed. Lawn grass seed MIXTURES  
8 offered for sale in Wyoming shall comply with all require-  
9 ments of this ~~chapter~~ ACT, and in addition shall contain a  
10 ~~substantial-percentage~~ AT LEAST FIFTY PERCENT (50%) of  
11 PERENNIAL permanent type lawn grass ~~seeds~~ SEED THAT IS  
12 ADAPTED TO LOCAL GROWING CONDITIONS, such as Kentucky blue  
13 grass (poa pratensis), bent grass (agrostis species) or  
14 fescue (festuca species).

15 11-12-107. Common weed seeds. No person shall sell  
16 in the retail trade in this state, any agricultural, ~~or~~  
17 vegetable, FLOWER OR TREE seeds either in package or in  
18 bulk, which contain ~~two~~ ONE percent ~~(2%)~~ (1%) or more of  
19 COMMON weed seeds by weight.

20 11-12-108. Screenings to be specially labeled and  
21 free from noxious weed seeds; seizure and destruction;  
22 grain cleaning establishments. Screenings of any seeds or

1 grains which are offered for sale by any person shall be  
2 legibly labeled as such and not sold as seeds. They shall  
3 be free of PROHIBITED noxious weed seeds AND SHALL NOT  
4 EXCEED THE TOLERANCE ESTABLISHED ON RESTRICTED NOXIOUS  
5 WEED SEED. Screenings found to contain ~~any--noxious~~ weed  
6 seeds IN VIOLATION OF THIS SECTION are subject to seizure  
7 ~~and-destruction~~ by the commissioner. ~~or-any-of-his-author-~~  
8 ~~ized-agents-or-seed-inspectors~~ SCREENINGS ARE SUBJECT TO  
9 THE PROVISIONS OF W.S. 11-12-104(d).

10 11-12-109. Failure to label or false labeling of  
11 seeds. It is unlawful for any person to sell or offer for  
12 sale, or to deliver within Wyoming any seeds which are  
13 misbranded or are not labeled in accordance with the  
14 requirements of W.S. 11-12-103 through ~~11-12-107~~  
15 11-12-108, or if ~~such~~ THE seed is falsely labeled in any  
16 respect, subject to such tolerance as ~~approved~~ ESTABLISHED  
17 by the ~~commissioner~~ BOARD.

18 11-12-110. Importation of seeds. It is unlawful for  
19 any person to transport or cause to be transported into  
20 Wyoming any agricultural, ~~or~~ vegetable, FLOWER OR TREE  
21 seeds without meeting the requirements of this ~~chapter~~  
22 ACT.

23 11-12-112. Commissioner to enforce provisions; power

1     of commissioner, etc., to examine seeds; exception; pur-  
2     chase of samples. The commissioner shall enforce the  
3     ~~provisions--of~~ this ~~chapter~~ ACT. The commissioner or his  
4     ~~agents or seed-inspectors~~ shall have free access at all  
5     reasonable hours upon and into any premises or structures  
6     where seed is stored or offered for sale, except federally  
7     sealed granaries or warehouses, to examine any seeds and,  
8     upon tendering payment therefor at the current value, may  
9     take from any person a sample or samples of such THE  
10    seeds.

11         11-12-113. Board to make rules and regulations. The  
12     ~~commissioner~~ BOARD shall ~~make-and-enforce-such~~ PROMULGATE,  
13     ADOPT AND PUBLISH rules and regulations ~~as--necessary--to~~  
14     ~~effective--enforcement--of-this-chapter~~ IN ACCORDANCE WITH  
15     THE WYOMING ADMINISTRATIVE PROCEDURE ACT FOR THE PURPOSE  
16     OF CARRYING OUT THIS ACT.

17         11-12-114. Seed and grain cleaning establishments;  
18     certificates of approval; lists thereof. The ~~commissioner~~  
19     BOARD shall establish standards and other requirements  
20     whereby seed and grain cleaning establishments may be  
21     issued an approved certificate. A list of approved estab-  
22     lishments for cleaning seeds and grain shall be published  
23     by the commissioner.

1        11-12-115. State seed analyst. The state seed ana-  
2        lyst shall be selected by the board, ~~of-agriculture.~~ The  
3        analyst shall receive a salary fixed by the personnel  
4        division of the department of administration and fiscal  
5        control, paid by the state from an appropriation for that  
6        purpose.

7        11-12-116. Analysis of seeds.

8        (a) Any person may have ~~their~~ HIS seed analyzed by  
9        the state seed analyst by paying transportation charges to  
10       the laboratory and a fee established by the board.

11       (b) All samples submitted for analysis shall be  
12       taken ~~and-the-analysis-made~~ in accordance with the current  
13       regulations of sampling ~~and--analysis~~ set forth by the  
14       United States department of agriculture by authority of  
15       the Federal Seed Act.

16       (c) SEED TESTING MAY BE DONE IN ACCORDANCE WITH THE  
17       CURRENT ASSOCIATION OF OFFICIAL SEED ANALYSTS' RULES FOR  
18       TESTING SEED.

19       11-12-118. Duty of district attorneys to prosecute  
20       reported violations. Any district attorney to whom the  
21       commissioner ~~of--agriculture--or-his-authorized-agents-or~~

1     ~~seed-inspectors--report~~ REPORTS any violation of W.S.  
2     ~~11-12-101-through-11-12-118~~ THIS ACT shall cause appropri-  
3     ate proceedings to be commenced and prosecuted in the  
4     proper courts without delay.

5             11-12-120. False labeling of seeds; prohibited. It  
6     is unlawful for any person to attach or cause to be  
7     attached to any container of seeds or propagating mate-  
8     rials, for the purpose of certifying the contents, any  
9     label or tag describing the contents as certified seed or  
10    propagating material, except ~~such~~ labels or tags as WHICH  
11    are issued by the seed certification service of the col-  
12    lege of agriculture, University of Wyoming, for the pur-  
13    pose of certification.

14            11-12-121. Same; false labeling as prima facie evi-  
15    dence of violation. Any label or tag prohibited by W.S.  
16    11-12-120 found attached to any container of seed or  
17    propagating material is prima facie ~~proof~~ EVIDENCE of a  
18    violation of W.S. 11-12-120 by the person falsely label-  
19    ing or tagging the container.

20            Section 4. W.S. 11-12-111 is repealed.

1983

## STATE OF WYOMING

83LSO-0047  
AG

1           Section 5. This act is effective May 27, 1983.

2 (END)

HB114

FISCAL NOTE

Anticipated REVENUE to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED REVENUE		
Anticipated COST to:	Fiscal Year 19 85	Fiscal Year 19
General Fund	\$25,000.00	
TOTAL ESTIMATED COST	\$25,000.00	

1. According to a spokesman for the Wyoming Department of Agriculture, "If the bill becomes a reality, approximately \$25,000 will be needed in FY 85."

2. The spokesman went on to say, "Apparent personnel impact is not anticipated."

HB 114

1983

STATE OF WYOMING

83LSO-0047/eng  
AG

HOUSE BILL NO. 0114

Seed Act.

**ENGROSSED**

Sponsored by: Representative(s) CROSS, D. URBIGKIT and  
HUMPHREY

A BILL

for

1 AN ACT to create W.S. 11-12-122; to amend and renumber  
2 W.S. 11-12-122 as 11-12-123; to amend W.S. 11-12-101  
3 through 11-12-104, 11-12-105(a)(vi) and (c), 11-12-106  
4 through 11-12-110, 11-12-112 through 11-12-116, 11-12-118,  
5 11-12-120 and 11-12-121; and to repeal W.S. 11-12-111  
6 relating to seeds; providing for licensure of sellers of  
7 agriculture, vegetable, flower and tree seed; increasing  
8 license fees; declaring certain weeds to be prohibited  
9 noxious weeds; granting rule making authority to the board  
10 to establish a list of restricted noxious weeds and to  
11 establish tolerances for each species; providing for the



1 disposition to be made of impounded seed; establishing  
2 minimum requirements for lawn grass seed; providing a  
3 limitation on common weed seeds contained in seeds sold in  
4 bulk; restricting importation of seeds; providing stan-  
5 dards for seed testing; granting the board authority to  
6 establish a quarantine; providing definitions; providing  
7 penalties; and providing for an effective date.

8 Be It Enacted by the Legislature of the State of Wyoming:

9 Section 1. W.S. 11-12-122 is created to read:

10 11-12-122. Quarantine.

11 (a) The board, in compliance with this act, may  
12 promulgate rules and regulations to establish a quarantine  
13 against the entry into Wyoming and intrastate movement of  
14 seed containing prohibited noxious weed seed and  
15 restricted noxious weed seed which exceeds the tolerance  
16 established and may enter into an agreement with law  
17 enforcement agencies to carry out the quarantine provi-  
18 sions.

19 (b) Seed shall be free of prohibited noxious weed  
20 seed and shall not exceed the tolerance on restricted nox-  
21 ious weed seed prior to entry into the state or shall be  
22 so verified by proper authority in the state of origin.

1           (c) Seed shall be free of prohibited noxious weed  
2 seed and shall not exceed the tolerance on restricted nox-  
3 ious weed seed prior to intrastate movement, or shall be  
4 so verified by the commissioner.

5           (d) Interstate shipments through the state shall be  
6 covered in a prescribed manner so as not to allow the dis-  
7 semination of noxious weed seed.

8           Section 2. W.S. 11-12-122 is amended and renumbered  
9 as 11-12-123 to read:

10           ~~11-12-122~~ 11-12-123. Penalties; department author-  
11 ized to investigate and file complaint. Any person violat-  
12 ing ~~W.S. 11-12-120~~, ANY PROVISION OF THIS ACT IS GUILTY OF  
13 A MISDEMEANOR AND shall be fined not more than ~~one~~ TWO  
14 hundred dollars ~~(\$100.00)~~ (\$200.00), or imprisoned for not  
15 more than six (6) months, or both FOR EACH OFFENSE. The  
16 commissioner is authorized to investigate alleged viola-  
17 tions and to file a complaint with the proper district  
18 ~~attorneys~~ OR COUNTY AND PROSECUTING ATTORNEY for the  
19 prosecution of ~~such~~ violations.

20           Section 3. W.S. 11-12-101 through 11-12-104,  
21 11-12-105(a)(vi) and (c), 11-12-106 through 11-12-110,  
22 11-12-112 through 11-12-116, 11-12-118, 11-12-120 and

1 11-12-121 are amended to read:

2 11-12-101. Definitions.

3 (a) As used in this act:

4 (i) "Agricultural seeds" means any ~~grass~~  
5 ~~forage--or--field~~ AGRONOMIC crop seeds OR SEEDS FROM  
6 AGRICULTURAL CROPS AS DEFINED IN W.S. 11-1-101;

7 (ii) "FLOWER SEED" MEANS SEEDS OF HERBACEOUS  
8 PLANTS GROWN FOR THEIR BLOOMS, ORNAMENTAL FOLIAGE OR OTHER  
9 ORNAMENTAL PARTS AND COMMONLY KNOWN AND SOLD UNDER THE  
10 NAME OF FLOWER SEEDS IN THIS STATE;

11 (iii) "PROHIBITED NOXIOUS WEEDS" MEANS THE  
12 WEEDS OR SEEDS OR PLANT PARTS THEREOF LISTED BY W.S.  
13 11-12-104. NOXIOUS WEED SEED LISTED AS PROHIBITED IN ALL  
14 OTHER STATES SHALL BE CONSIDERED PROHIBITED IN THIS STATE;

15 (iv) "RESTRICTED NOXIOUS WEED SEEDS" MEANS ANY  
16 SPECIES OF WEED SEEDS FOR WHICH THE BOARD BY REGULATION  
17 HAS ESTABLISHED A TOLERANCE;

18 (v) "SEED" MEANS THE PROPAGATIVE PART OF A  
19 PLANT NORMALLY CAPABLE OF GERMINATION TO PRODUCE A NEW  
20 PLANT, INCLUDING OVULES, TUBERS AND BULBS;

1           (vi) "TREE SEED" MEANS SEEDS OF WOODY PLANTS  
2 COMMONLY KNOWN AND SOLD AS TREE AND SHRUB SEEDS IN THIS  
3 STATE;

4           ~~{ii}~~(vii) "Vegetable seeds" means the seeds of  
5 those crops that are or may be grown in gardens or truck  
6 farms and are generally known and sold under the name of  
7 vegetable seeds~~,-exclusive-of-seed-potatoes~~ IN THIS STATE;

8           ~~{iii}~~(viii) "This act" means W.S. 11-12-101  
9 through ~~11-12-122~~ 11-12-123.

10           11-12-102. Exceptions to applicability.

11           (a) This act does not apply to any person who:  
12 ~~{i}--Grows,-sells--or-offers-for-sale-agricultural-grains~~  
13 ~~for-feed-or-feeding-purposes,-or-grade-seed-beans-or-grade~~  
14 ~~seed-potatoes-grown-within-the-state,-{ii}~~

15           (i) Has agricultural, or vegetable, FLOWER OR  
16 TREE seeds in storage for recleaning, but are not proc-  
17 essed and sold or offered for sale for seed purposes  
18 within the state;

19           ~~{iii}--Sells--or-distributes-sugar-beet-seed-to~~  
20 ~~growers-contracting-the--growing--and--delivery--of--sugar~~  
21 ~~beets-to-the-vendor-or-distributor,-but-sugar-beet-seed-is~~

1     ~~subject-to-W.S.-11-12-104:~~

2           ~~(b)~~    (ii)   ~~This-act-does-not-apply-to~~ IS a   resident  
3   grower of agricultural, ~~or~~ vegetable, FLOWER OR TREE seeds  
4   who sells his seed to seed merchants;

5           ~~(c)~~    (iii)   ~~W.S.-11-12-103-does-not-apply-to--a~~ ANY  
6   resident grower ~~of--agricultural-and-vegetable-seeds~~ who  
7   sells or offers for sale ANY agricultural, ~~or~~ vegetable,  
8   FLOWER OR TREE seeds grown only by him and sold or offered  
9   for sale at the headquarters of his farm operations  
10   directly to farmer GROWER planters of the seed and not for  
11   resale IS EXEMPT FROM THE LICENSING PROVISIONS UNDER W.S.  
12   11-12-103.

13           11-12-103. Licensing of seed dealers. No person  
14   shall sell or offer for sale or distribution in Wyoming  
15   any agricultural, ~~or~~ vegetable, FLOWER OR TREE seeds with-  
16   out obtaining a license from the state department of  
17   agriculture. ~~Such~~ THE license shall expire annually on  
18   December 31. Application for ~~such~~ THE license shall  
19   include the name and address of the person to whom the li-  
20   cense is to be issued and the location of the place or  
21   places of business of the applicant. The application shall  
22   be accompanied by a license fee of ~~ten~~ TWENTY dollars  
23   ~~(\$10.00)~~ (\$20.00) for each place of business selling seeds

1 in packets, packages or bulk of ten (10) pounds or more.  
2 This section shall not apply to any person licensed in  
3 accordance with W.S. 11-11-103.

4 11-12-104. Sale, etc., of certain noxious weed seeds  
5 prohibited; impounding by commissioner; conditions to  
6 release; allowed tolerance for other noxious weeds.

7 (a) No person shall sell or offer for sale or  
8 distribution in Wyoming any agricultural, ~~or~~ vegetable,  
9 FLOWER OR TREE seeds which contain any PROHIBITED NOXIOUS  
10 WEED seeds ~~of-the-following~~ LISTED IN SUBSECTION (b) OF  
11 THIS SECTION OR ANY RESTRICTED noxious weeds: WEED SEEDS  
12 WHICH EXCEED THE TOLERANCE ESTABLISHED UNDER SUBSECTION  
13 (c) OF THIS SECTION.

14 {i}--Horsenettle-{solanum-carolinense};

15 {ii}--White-----horsenettle-----{solanum  
16 elaeagnifolium};

17 {iii}--Austrian-field-cress-{roripa-austriaca};

18 {iv}--Camelthorn-{alhagi-camelorum};

19 (b) PROHIBITED NOXIOUS WEEDS ARE AS FOLLOWS:

20 {v}(i) Field bindweed (Convolvulus arvensis);

- 1                   ~~{vi}~~(ii) Canada thistle (Cirsium arvense);
- 2                   ~~{vii}~~(iii) Leafy spurge (Euphorbia esula);
- 3                   ~~{viii}~~(iv) Perennial sow thistle (Sonchus
- 4   arvensis);
- 5                   ~~{ix}~~(v) Quackgrass (Agropyron repens);
- 6                   ~~{x}~~(vi) Russian knapweed (Contaurea repens);
- 7                   ~~{xi}~~--St.--Johnswort--~~{hypericum-perforatum}~~;
- 8                   ~~{xii}~~--Whitetop--~~{lepidium--draba--repens--and~~
- 9   hymenophyssa-pubescens}
- 10                   ~~{xiii}~~(vii) Ox-eye daisy (Chrysanthemum
- 11   leucanthemum);
- 12                   ~~{xiv}~~--White----leaved---franseria---~~{franseria~~
- 13   discolor}
- 14                   ~~{xv}~~--Perennial-nutgrass--~~{cyperus-retundus}~~--or
- 15                   ~~{xvi}~~--Yellow-nutgrass--~~{cyperus-esculentus}~~;
- 16                   (viii) HOARY CRESS (CARDARIA DRABA);
- 17                   (ix) PERENNIAL PEPPERWEED (LEPIDIUM
- 18   LATIFOLIUM);

- 1           (x)   SKELETONLEAF BURSAGE (FRANSERIA DISCOLOR);  
2           (xi)   YELLOW TOADFLAX (LINARIA VULGARIS);  
3           (xii)   DALMATION TOADFLAX (LINARIA DALMATICA);  
4           (xiii)   SCOTCH THISTLE (ONOPORDUM ACANTHIUM);  
5           (xiv)   MUSK THISTLE (CARDUUS NUTANS);  
6           (xv)   COMMON BURDOCK (ARCTIUM MINUS);  
7           (xvi)   PLUMELESS THISTLE (CARDUUS ACANTHOIDES);  
8           (xvii)   DYERS WOAD (ISATIS TINCTORIA L); AND  
9           (xviii)   HOUNDSTONGUE (CYNOGLOSSUM OFFICINALE  
10   L).

11           (c)   THE BOARD MAY PROMULGATE, ADOPT AND PUBLISH  
12   RULES AND REGULATIONS IN ACCORDANCE WITH THE WYOMING  
13   ADMINISTRATIVE PROCEDURE ACT FOR THE PURPOSE OF ESTABLISH-  
14   ING A LIST OF RESTRICTED NOXIOUS WEED SEEDS AND ESTABLISH-  
15   ING A TOLERANCE FOR EACH RESTRICTED SPECIES. IN NO CASE  
16   SHALL THE TOLERANCE ON RESTRICTED NOXIOUS WEED SEED EXCEED  
17   FORTY-FIVE (45) SEEDS PER POUND IN SMALL SEEDED CROPS AND  
18   FIVE (5) SEEDS PER POUND IN SMALL GRAINS AND SEEDS OF  
19   SIMILAR SIZE.



1           ~~(b)~~(d) Any agricultural, or vegetable, FLOWER OR  
2 TREE seeds which contain any ~~such~~ PROHIBITED noxious weed  
3 seeds OR EXCEEDS THE TOLERANCE ESTABLISHED ON RESTRICTED  
4 NOXIOUS WEED SEEDS shall be removed from sale in Wyoming  
5 and impounded by the commissioner ~~or-his-authorized-seed~~  
6 ~~inspectors-or-agents~~ and shall be released only for the  
7 following purposes:

8                   (i) For complete destruction;

9                   (ii) For removal outside of the state;

10                   (iii) To be recleaned to the point that no  
11 ~~such~~ PROHIBITED noxious weed seeds are present, or TO THE  
12 POINT THAT THE TOLERANCE ESTABLISHED ON RESTRICTED NOXIOUS  
13 WEED SEEDS IS NOT EXCEEDED;

14                   (iv) For processing in such a way as to make  
15 the weed seeds ~~nonviable~~ HARMLESS and to be sold as feed;  
16           OR

17                   (v) FOR BURIAL IN AN APPROVED LANDFILL DUMP.

18           ~~(e)---A-tolerance-of-not--more--than--forty-five--(45)~~  
19 ~~weed-seeds-per-pound, or one-(1)-seed-in-ten-(10)-grams-of~~  
20 ~~the--small--seeded--crops--and-five-(5)-seeds-per-pound-in~~  
21 ~~sorghums-and-small-grains, is--allowed--in--the--following~~

1     secondary-noxious-weeds:

2                   *{i}--Dodder-(cuscutea-species);*

3                   *{ii}--Blue-mustard-(chorespora-tenella);*

4                   *{iii}--Yellow-----star-----thistle-----{centaurea*  
5     *sestitialis};*

6                   *{iv}--Buckhorn-plantain-(plantago--lanceolata);*

7                   *{v}--Puncture-vine-(tribulus-terrestris);*

8                   *{vi}--Blue-----flowering----lettuce----{lactuca*  
9     *pulchella};*

10                   *{vii}--Austrian-peaweed--{swainsonia--salsula};*

11                   *{viii}--Perennial-----ragweed-----{ambrosia*  
12     *psilestachya};--and*

13                   *{ix}--Poverty-weed-{iva-axillaris};*

14             11-12-105. Labeling of packages, etc., required;  
15     contents; exception.

16             (a) Each package or lot of seed, whether in package  
17     or bulk, which is sold or offered for sale in Wyoming,  
18     shall be legibly labeled in English upon the exterior of  
19     the container with a written or printed label. The label

1 shall show:

2 (vi) Name and number of each kind of **secondary**  
3 **RESTRICTED** noxious weed seeds per pound; and

4 (c) This section does not apply to FLOWER, TREE,  
5 garden or vegetable seeds labeled to comply with labeling  
6 requirements of the United States department of  
7 agriculture by authority of the Federal Seed Act.

8 11-12-106. Lawn grass seed. Lawn grass seed MIXTURES  
9 offered for sale in Wyoming shall comply with all require-  
10 ments of this ~~chapter~~ ACT, and in addition shall contain a  
11 ~~substantial-percentage~~ AT LEAST FIFTY PERCENT (50%) of  
12 PERENNIAL permanent type lawn grass ~~seeds~~ SEED THAT IS  
13 ADAPTED TO LOCAL GROWING CONDITIONS, such as Kentucky blue  
14 grass (Poa pratensis), bent grass (Agrostis species) or  
15 fescue (Festuca species).

16 11-12-107. Common weed seeds. No person shall sell  
17 in the retail trade in this state, any agricultural, ~~or~~  
18 vegetable, FLOWER OR TREE seeds either in package or in  
19 bulk, which contain ~~two~~ ONE percent ~~(2%)~~ (1%) or more of  
20 COMMON weed seeds by weight.

21 11-12-108. Screenings to be specially labeled and  
22 free from noxious weed seeds; seizure and destruction;

1 grain cleaning establishments. Screenings of any seeds or  
2 grains which are offered for sale by any person shall be  
3 legibly labeled as such and not sold as seeds. They shall  
4 be free of PROHIBITED noxious weed seeds AND SHALL NOT  
5 EXCEED THE TOLERANCE ESTABLISHED ON RESTRICTED NOXIOUS  
6 WEED SEED. Screenings found to contain ~~any--noxious~~ weed  
7 seeds IN VIOLATION OF THIS SECTION are subject to seizure  
8 ~~and-destruction~~ by the commissioner, ~~or-any-of-his-author-~~  
9 ~~ized-agents-or-seed-inspectors~~ SCREENINGS ARE SUBJECT TO  
10 THE PROVISIONS OF W.S. 11-12-104(d).

11 11-12-109. Failure to label or false labeling of  
12 seeds. It is unlawful for any person to sell or offer for  
13 sale, or to deliver within Wyoming any seeds which are  
14 misbranded or are not labeled in accordance with the  
15 requirements of W.S. 11-12-103 through ~~11-12-107~~  
16 11-12-108, or if ~~such~~ THE seed is falsely labeled in any  
17 respect, subject to such tolerance as ~~approved~~ ESTABLISHED  
18 by the ~~commissioner~~ BOARD.

19 11-12-110. Importation of seeds. It is unlawful for  
20 any person to transport or cause to be transported into  
21 Wyoming any agricultural, ~~or~~ vegetable, FLOWER OR TREE  
22 seeds without meeting the requirements of this chapter  
23 ACT.

1        11-12-112. Commissioner to enforce provisions; power  
2        of commissioner, etc., to examine seeds; exception; pur-  
3        chase of samples. The commissioner shall enforce ~~the~~  
4        ~~provisions--of~~ this ~~chapter~~ ACT. The commissioner or his  
5        ~~agents or seed-inspectors~~ shall have free access at all  
6        reasonable hours upon and into any premises or structures  
7        where seed is stored or offered for sale, except federally  
8        sealed granaries or warehouses, to examine any seeds and,  
9        upon tendering payment therefor at the current value, may  
10       take from any person a sample or samples of ~~such~~ THE  
11       seeds.

12       11-12-113. Board to make rules and regulations. The  
13       ~~commissioner~~ BOARD shall ~~make-and-enforce-such~~ PROMULGATE,  
14       ADOPT AND PUBLISH rules and regulations ~~as--necessary--to~~  
15       ~~effective--enforcement--of-this-chapter~~ IN ACCORDANCE WITH  
16       THE WYOMING ADMINISTRATIVE PROCEDURE ACT FOR THE PURPOSE  
17       OF CARRYING OUT THIS ACT.

18       11-12-114. Seed and grain cleaning establishments;  
19       certificates of approval; lists thereof. The ~~commissioner~~  
20       BOARD shall establish standards and other requirements  
21       whereby seed and grain cleaning establishments may be  
22       issued an approved certificate. A list of approved estab-  
23       lishments for cleaning seeds and grain shall be published

1 by the commissioner.

2 11-12-115. State seed analyst. The state seed ana-  
3 lyst shall be selected by the board. ~~of-agriculture.~~ The  
4 analyst shall receive a salary fixed by the personnel  
5 division of the department of administration and fiscal  
6 control, paid by the state from an appropriation for that  
7 purpose.

8 11-12-116. Analysis of seeds.

9 (a) Any person may have ~~their~~ HIS seed analyzed by  
10 the state seed analyst by paying transportation charges to  
11 the laboratory and a fee established by the board.

12 (b) All samples submitted for analysis shall be  
13 taken ~~and-the-analysis-made~~ in accordance with the current  
14 regulations of sampling ~~and--analysis~~ set forth by the  
15 United States department of agriculture by authority of  
16 the Federal Seed Act.

17 (c) SEED TESTING MAY BE DONE IN ACCORDANCE WITH THE  
18 CURRENT ASSOCIATION OF OFFICIAL SEED ANALYSTS' RULES FOR  
19 TESTING SEED.

20 11-12-118. Duty of district or county and prosecut-  
21 ing attorney to prosecute reported violations. Any dis-

1     trict OR COUNTY AND PROSECUTING attorney to whom the  
2     commissioner ~~of-agriculture-or-his--authorized--agents--or~~  
3     ~~seed--inspectors--report~~ REPORTS any violation of W.S.  
4     ~~11-12-101-through-11-12-110~~ THIS ACT shall cause appropri-  
5     ate proceedings to be commenced and prosecuted in the  
6     proper courts without delay.

7             11-12-120. False labeling of seeds; prohibited. It  
8     is unlawful for any person to attach or cause to be  
9     attached to any container of seeds or propagating mate-  
10    rials, for the purpose of certifying the contents, any  
11    label or tag describing the contents as certified seed or  
12    propagating material, except ~~such~~ labels or tags as WHICH  
13    are issued by the seed certification service of the col-  
14    lege of agriculture, University of Wyoming, for the pur-  
15    pose of certification.

16            11-12-121. Same; false labeling as prima facie evi-  
17    dence of violation. Any label or tag prohibited by W.S.  
18    11-12-120 found attached to any container of seed or  
19    propagating material is prima facie ~~proof~~ EVIDENCE of a  
20    violation of W.S. 11-12-120 by the person falsely label-  
21    ing or tagging the container.

22            Section 4. W.S. 11-12-111 is repealed.

83LSO-0047  
AG

2 (END)



14 B114

HB0114S21/AE

TO ENGROSSED COPY

✓Page 12-line 19 Restore stricken "two"; delete "ONE";  
restore stricken "(2%)"; delete "(1%)".  
-ZIMMER

HB0114S31/AE

TO ENGROSSED COPY

✓Page 15-line 17 Delete "MAY" and insert "SHALL". -ZIMMER

HB0114HS1/ A

HB 114

ADDED

✓✓ Page 1-line 7

After " ; " insert "increasing license fees;"

✓✓ Page 3-line 18

Before "ATTORNEY" insert "OR COUNTY AND PROSECUTING"

✓✓ Page 6-line 21

Strike "ten" insert "TWENTY"; strike "{~~\$10.00~~}" insert "(\$20.00)".

✓✓ Page 15-line 19

Delete "attorneys" insert "or county and prosecuting attorney".

✓✓ Page 15-line 20

Before "attorney" insert "OR COUNTY AND PROSECUTING". -CROSS

DND

ADOPTED

HB0114H21/ A

✓✓ Page 7-line 19

Capitalize "Convolvulus" and in all subsequent paragraphs of W.S. 11-12-104 (b) (i) through (xviii) similarly capitalize the genus name of each weed listed.

✓✓ Page 8-line 5

Strike "centaurea" insert "CENTAUREA".

✓✓ Page 9-line 8

Delete "OFFICINNALE" insert "OFFICINALE".

✓✓ Page 12-line 13

Capitalize "Poa"; capitalize "Agrostis".

✓✓ Page 12-line 14

Capitalize "Festuca". -EDWARDS

ADOPTED