

IN THE SENATE

SENATE BILL NO. 1248

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SEED AND PLANT CERTIFICATION; AMENDING SECTION 22-1502, IDAHO
2 CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMEND-
3 ING SECTION 22-1503, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE
4 TECHNICAL CORRECTIONS; AMENDING SECTION 22-1504, IDAHO CODE, TO REMOVE
5 PROVISIONS REGARDING RULES AND REGULATIONS, TO PROVIDE FOR STANDARDS
6 AND REQUIREMENTS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
7 22-1505, IDAHO CODE, TO REMOVE PROVISIONS REGARDING RULES AND REGULA-
8 TIONS, TO PROVIDE FOR STANDARDS AND REQUIREMENTS, AND TO MAKE TECHNICAL
9 CORRECTIONS; AMENDING SECTION 22-1506, IDAHO CODE, TO REMOVE PROVI-
10 SIONS REGARDING RULES AND REGULATIONS, TO PROVIDE FOR STANDARDS AND
11 REQUIREMENTS, AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION
12 22-1507, IDAHO CODE, TO REMOVE PROVISIONS REGARDING RULES AND REGULA-
13 TIONS, TO PROVIDE FOR STANDARDS AND REQUIREMENTS, AND TO MAKE TECHNICAL
14 CORRECTIONS.
15

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

17 SECTION 1. That Section 22-1502, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 22-1502. COMPLIANCE WITH REGULATIONS REQUIRED WHERE CERTAIN PHRASES
20 USED. Every person, firm, association or corporation who shall issue, use
21 or circulate, any certificate, advertisement, tag, seal, poster, letter-
22 head, marking, circular, written or printed representation or description,
23 of or pertaining to lots of seeds, tubers, plants or plant parts intended
24 for propagation or sale, or sold or offered for sale wherein the words "Idaho
25 State Certified," "State Certified," "Idaho Certified," or similar words or
26 phrases are used or employed, or wherein are used or employed signs, symbols,
27 maps, diagrams, picture words or phrases expressly or impliedly stating or
28 representing that such seed, tubers, plants or plant parts comply with or
29 conform to the standards ~~or~~ and requirements approved by the Idaho agricul-
30 tural experiment station in the college of agriculture of the university of
31 Idaho shall be subject to the provisions of this chapter.

32 SECTION 2. That Section 22-1503, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 22-1503. DEFINITIONS. (1) "Breeder seed" means seed or vegetative
35 propagating material directly controlled by the originating, or in certain
36 cases the sponsoring, plant breeder or institution, and which provides the
37 source for the initial increase of foundation seed.

38 (2) "Certified" means the written assurance, in certificate form, of
39 the college of agriculture of the university of Idaho, or of its agent des-
40 ignated hereunder, that the particular seeds, tubers, plants or plant parts

1 have the necessary genetic purity of strain and/or other characteristics
 2 to meet the standards and requirements of the rules and regulations promul-
 3 gated approved hereunder. Certification by the certifying agent or college
 4 of agriculture of the university of Idaho, or its agent, or state of Idaho
 5 does not constitute any warranty that the certified seeds, tubers, plants or
 6 plant parts will be free from disease or contamination.

7 (3) "Foundation seed" means the progeny of breeder seed stocks that are
 8 so handled as to maintain specific genetic identity and purity, and that are
 9 designated or distributed by the Idaho agricultural experiment station or
 10 private companies.

11 (4) "Genetic purity" means that the lot of seeds, tubers, plants or
 12 plant parts are ~~homogenous~~ homogeneous for inheritable characteristics as
 13 stated in the official description of the variety or strain represented.

14 (5) "Lot" means a definite quantity of seed identified by a lot number
 15 or other mark, every portion or bag of which is uniform within recognized
 16 tolerances for the factors ~~which~~ that appear in the labeling.

17 (6) "Plant" or "tubers" or "plants" or "plant parts" means any variety
 18 or strain of plant or part thereof ~~which~~ that may be eligible for certifica-
 19 tion, as hereinafter provided.

20 (7) "Seed" or "seeds" means the seed of any variety or strain of plant,
 21 including tubers, ~~which~~ that may be eligible for certification, as here-
 22 inafter provided.

23 (8) "Variety or strain" means a subdivision of a kind characterized by
 24 growth, yield, plant, fruit, seed, or other characteristics, ~~by~~ which it can
 25 be differentiated from other plants of the same kind.

26 SECTION 3. That Section 22-1504, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 22-1504. ADMINISTRATION OF THE CHAPTER. The regents of the university
 29 of Idaho through the Idaho agricultural experiment station in the college
 30 of agriculture of the university of Idaho, or the agent of the university
 31 of Idaho, an entity or servant of the state, appointed in writing, as here-
 32 inafter provided, is hereby authorized to administer the provisions of this
 33 chapter to establish, alter, amend and repeal, ~~in compliance with the provi-~~
 34 ~~sions of chapter 52, title 67, Idaho Code,~~ reasonable rules and regulations
 35 standards and requirements as to what shall constitute certified seeds, tu-
 36 bers, plants, and plant parts under the terms of this chapter. Such reason-
 37 ~~able rules and regulations~~ standards and requirements shall also comprehend
 38 and fix the standards necessary to qualify seeds, tubers, plants, and plant
 39 parts for certification hereunder and the procedures for certification by
 40 the said college of agriculture or the said agent thereof. All varieties or
 41 strains of seed, tubers, plants, and plant parts eligible for certification
 42 in the state of Idaho shall be approved by the director of the Idaho agri-
 43 cultural experiment station. Any agent designated hereunder shall be a ser-
 44 vant of the state of Idaho and shall be acting in an official capacity for the
 45 state of Idaho and under the supervision of the college of agriculture of the
 46 university of Idaho and the director of the Idaho experiment station consis-
 47 tent with this chapter.

1 SECTION 4. That Section 22-1505, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 22-1505. ~~RULES AND REGULATIONS -- PREPARATION AND PROMULGATION STA-~~
4 ~~NDARDS AND REQUIREMENTS.~~ (1) Every person, firm, association, or corpora-
5 tion that intends to offer for sale, offers or sells seeds, tubers, plants,
6 or plant parts as certified shall comply with the provisions of this chapter
7 and such ~~rules and regulations~~ standards and requirements as are promulgated
8 approved by the Idaho agricultural experiment station in the college of agr-
9 iculture of the university of Idaho as provided herein, such ~~rules and reg-~~
10 ~~ulations~~ standards and requirements to contain, among other things, a des-
11 ignation of the crops grown or to be grown in Idaho eligible for certifica-
12 tion with standards, requirements, and procedures necessary for certifica-
13 tion with designation of the agency authorized to provide certification.

14 (2) Upon the passage of this chapter, the Idaho agricultural experiment
15 station in the college of agriculture of the university of Idaho shall pre-
16 pare and issue such ~~rules and regulations~~ standards, requirements, and pro-
17 cedures as are required by this chapter in compliance with the provisions of
18 chapter 52, title 67, Idaho Code. Such standards and requirements shall be
19 made publicly available for review and public comment for a period of no less
20 than thirty (30) days prior to their establishment. At the close of the pub-
21 lic comment period, the standards and requirements shall be filed with the
22 college of agriculture of the university of Idaho and shall become effective
23 thirty (30) days from the date they are filed with the college of agriculture
24 of the university of Idaho.

25 SECTION 5. That Section 22-1506, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 22-1506. FEES CHARGED BY CERTIFYING AGENCY. Fees may be charged by
28 the certifying agency, under schedules set forth in ~~rules and regulations~~
29 standards, requirements, and procedures for certification of seeds, tubers,
30 plants, and plant parts under this chapter, but these fees shall have a rea-
31 sonable relation to the cost, and may be used only for expenses in connection
32 with certification and improvement of certification services.

33 SECTION 6. That Section 22-1507, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 22-1507. MAINTENANCE OF SEED STOCKS. The Idaho agricultural experi-
36 ment station or an agent of the university of Idaho appointed, in writing,
37 shall be responsible to obtain and maintain sources of basic seed stocks
38 ~~which~~ that include breeder class and foundation class seed of public vari-
39 eties or strains of crops deemed appropriate by the director of the Idaho
40 agricultural experiment station. Basic seed stocks, limited generation
41 certified seed tubers, plants, or plant parts shall first be made available
42 for production in Idaho. This shall be accomplished through a system of
43 equitable allocation to any person, firm, partnership, association, cor-
44 poration, or entity located in this state unless a contract or agreement
45 entered into with another public research entity or institution provides
46 otherwise. Price established for the basic seed stocks of seed, tubers,

1 plants, or plant parts shall be in reasonable relation to the cost of pro-
2 duction, maintenance, handling, storage, and processing necessary to meet
3 standards set forth in the ~~rules and regulations~~ standards and requirements.