

## LEGISLATIVE BILL 263

Approved by the Governor March 13, 1973

Introduced by Interim on Agriculture, Schmit, 23, Chmn.;  
Kremer, 34; Kime, 43; DeCamp, 40; Epke, 24;  
Keyes, 3

AN ACT to amend section 81-2,147.03, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Seed Law; to provide for unlawful acts; and to repeal the original section.  
Be it enacted by the people of the State of Nebraska,

Section 1. That section 81-2,147.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,147.03. (1) It is unlawful for any person to sell, offer for sale, expose for sale or to transport for sale any agricultural or vegetable seed within this state:

(a) Unless the test to determine the percentage of germination required in section 81-2,147.02 shall have been completed within a nine-month period, exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation;

(b) Not labeled in accordance with the provisions of sections 81-2,147 to 81-2,147.09, or having a false and misleading labeling. In case agricultural seed is offered or exposed for sale in bulk or sold from bulk, the information required under subdivision (2) of section 81-2,147.02 may be supplied by a printed or written statement to be furnished to any purchaser of such seed;

(c) Pertaining to which there has been a false or misleading advertisement;

(d) Consisting of or containing prohibited noxious weed seeds, subject to recognized tolerances;

(e) Consisting of or containing restricted noxious weed seeds per pound in excess of the number declared on the label attached to the container of the seed or associated with the seed, subject to recognized tolerances;

(f) Containing more than two per cent by weight of all weed seed of which not more than one half of one per cent may be restricted noxious weed seed; Provided, that this restriction shall not apply to native grasses or native grass mixtures; and provided further, that native grasses or native grass mixtures shall not contain more than four per cent by weight of weed seed of which not more than one half of one per cent may be restricted noxious weed seed; and

(g) If any labeling, advertising, or other representations subject to sections 81-2,147 to 81-2,147.09 represents the seed to be certified or registered seed unless (i) it has been determined by a seed certifying agency that such seed was produced, processed, and packaged, and conforms to standards of purity as to kind or kind and variety, in compliance with rules and regulations of such agency pertaining to such seed; and (ii) the seed bears an official label issued for such seed by a seed certifying agency stating that the seed is certified or registered; and

(h) By variety name seed not certified by an official seed certifying agency when it is a variety for which an application has been made for a certificate of plant variety protection under the Plant Variety Protection Act specifying sale only as a class of certified seed, except that seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety.

(2) It is unlawful for any person within this state:

(a) To detach, alter, deface, or destroy any label provided for in sections 81-2,147 to 81-2,147.09 or the rules and regulations made and promulgated under sections 81-2,147 to 81-2,147.09, or to alter or substitute seed in a manner that may defeat the purpose of sections 81-2,147 to 81-2,147.09;

(b) To disseminate any false or misleading advertisements concerning agricultural or vegetable seeds in any manner or by any means;

(c) To hinder or obstruct in any way, any authorized person in the performance of his duties under the provisions of sections 81-2,147 to 81-2,147.09;

(d) To fail to comply with a stop sale order or to move or otherwise handle or dispose of any lot of seed held under a stop sale order or tags attached thereto, except with express permission of the enforcing officer,



and for the purpose specified thereby;

(e) To sell, offer for sale, or give away screenings if they contain any seed of prohibited or restricted noxious weeds unless they have been processed to destroy the viability of such seed;

(f) To use the word trace as a substitute for any statement which is required; or

(g) To use the word type in any labeling in connection with the name of any agricultural seed variety.

(3) All seed sold shall be labeled on the basis of tests performed.

Sec. 2. That original section 81-2,147.03, Reissue Revised Statutes of Nebraska, 1943, is repealed.