

December 22, 1971

OPINION LETTER NO. 251  
Answer by letter-Wieler



Honorable Earl L. Sponsler  
Representative, District 126  
R.F.D. 2  
Cabool, Missouri 65689

Dear Representative Sponsler:

This is in response to your request for an opinion on the following specific question:

"Does the Missouri Seed Law (R.S. Mo. Sections 266.011-266.120) cover tree seeds to the extent that seeds certification standards may be established?"

In Section 266.021(2), RSMo 1969, "agricultural seeds" are defined as the ". . . seeds of grass, forage, cereal and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural or field seeds, except Johnson grass." As can be seen, tree seeds are not specifically included within this definition. However, it has been suggested that trees are fiber crops and, as such, are includable.

Our research discloses no case defining the term "fiber crops" so as to include trees. In the absence of any such case, it is our opinion that the term refers to those crops commonly used in the production of clothing fibers, e.g., flax and cotton.

It was further suggested that other states allow the certification of tree seeds under the provisions of their seed law, specifically Georgia and New York. However, a check of Georgia and New York law reveals that tree seeds are specifically defined and provided for within the state seed laws. Consolidated Laws of New York, annotated, Agricultural and Market Law, Section 136, sub. 3, and Code of Georgia, annotated, Agriculture, Section 5-2401, et. seq.

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Finally, we note that the Commissioner of Agriculture in Missouri pursuant to his rule making power under Section 266.091, RSMo 1969, has defined "agricultural seeds" as those listed in the Federal Seed Act, with the exception of Johnson grass. Rule 4 of the Missouri Seed Law Regulations. The Federal Seed Act does not include trees in its list of "agricultural seeds" and tree seeds have not been added to the list by the Secretary of Agriculture pursuant to his rule and regulation making power. 7 U.S.C.A. Section 1551, et. seq.

Therefore, it is our opinion that tree seeds cannot be certified as "agricultural seeds" under the provisions of the Missouri Seed Law, as currently enacted.

Yours very truly,

JOHN C. DANFORTH  
Attorney General