

HOUSE BILL NO. 1329

Introduced by

Representatives Hagert, Fegley, Howe, Satrom, Trottier

Senators Klein, Meyer, Wanzek, Weber

1 A BILL for an Act to amend and reenact subsection 7 of section 4.1-53-13, subsection 1 of
2 section 4.1-53-37, section 4.1-53-38, subsection 2 of section 4.1-53-43, subsection 1 of section
3 4.1-53-48, and subsection 2 of section 4.1-53-61 of the North Dakota Century Code, relating to
4 seed labels, tolerances, permits, and certification; to repeal section 4.1-53-41 of the North
5 Dakota Century Code, relating to nonresident seed dealer licenses; and to provide a penalty.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Subsection 7 of section 4.1-53-13 of the North Dakota Century
8 Code is amended and reenacted as follows:

- 9 7. a. The percentage of germination, exclusive of hard or dormant seed;
10 b. The percentage of hard or dormant seed, if applicable; and
11 c. The month and year in which the percentages were determined; and

12 **SECTION 2. AMENDMENT.** Subsection 1 of section 4.1-53-37 of the North Dakota Century
13 Code is amended and reenacted as follows:

- 14 1. ~~In order to~~To determine correctness and accuracy in labeling seed as required by this
15 chapter, the seed commissioner shall:
16 a. Apply the tolerances established by the Federal Seed Act of August 9, 1939
17 [53 Stat. 1275; 7 U.S.C. 1551 et seq.], as amended through ~~June 30,~~
18 ~~2011~~August 6, 2020; or
19 b. Establish stricter tolerances by rule.

20 **SECTION 3. AMENDMENT.** Section 4.1-53-38 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **4.1-53-38. Seed ~~labelingsales~~ permit - Reports - Fees - Civil penalty.**

- 23 1. Before a resident or nonresident person in this state may label or sell agricultural,
24 vegetable, flower, or tree or shrub seed and before a person may label agricultural,

1 vegetable, flower, or tree or shrub seed for delivery into this state, the person shall
2 obtain a seed ~~labelingsales~~ permit from the seed commissioner.

3 2. A permit issued under this section applies to employees and agents of the
4 permitholder.

5 3. Each person issued a seed ~~labelingsales~~ permit under this section shall:

6 a. Record all seeds sold by that person in this state;

7 b. Report all seeds sold by that person in this state to the seed commissioner at the
8 time and in the manner determined by the seed commissioner; and

9 c. Submit at the time and in the manner determined by the seed commissioner, fees
10 in the amount set by the seed commissioner and applicable to all seeds that the
11 person sells in this state.

12 ~~3.4.~~ If a person issued a seed ~~labelingsales~~ permit under this section fails to submit the
13 reports or fees required by this section within thirty days of the date determined by the
14 seed commissioner, the seed commissioner may assess a penalty equal to five-
15 percent of the amount due or ten dollars, whichever is greater.

16 **SECTION 4. AMENDMENT.** Subsection 2 of section 4.1-53-43 of the North Dakota Century
17 Code is amended and reenacted as follows:

18 2. ~~In order to~~To pursue certification, a person shall provide to the seed commissioner:

19 a. The name of the variety;

20 b. A statement regarding the variety's origin and the breeding procedure or
21 reproductive stabilization used in its development;

22 c. A description of the morphological, physiological, or other characteristics that
23 distinguish the variety from other varieties;

24 d. Evidence supporting the identity of the variety;

25 e. A statement regarding the geographic area of adaptation;

26 f. A statement regarding plans and procedures for the maintenance of seed
27 classes, including the number of generations through which the variety may be
28 multiplied;

29 g. A description of the manner in which the variety is constituted when a particular
30 cycle of reproduction or multiplication is specified;

31 h. Any additional restrictions on the variety specified by the breeder; and

1 i. A sample of seed that is representative of the variety as marketed.

2 **SECTION 5. AMENDMENT.** Subsection 1 of section 4.1-53-48 of the North Dakota Century
3 Code is amended and reenacted as follows:

4 1. If a certificate of plant variety protection issued under the Plant Variety Protection Act
5 [7 U.S.C. 2121 et seq.], as amended through July 31, ~~2015~~2020, specifies that the
6 variety may be sold only as a class of certified seed, that seed must be certified by an
7 official seed-certifying agency before it can be advertised for sale, offered for sale, or
8 sold.

9 **SECTION 6. AMENDMENT.** Subsection 2 of section 4.1-53-61 of the North Dakota Century
10 Code is amended and reenacted as follows:

11 2. Seed grown by a producer and sold by that producer without advertising and without
12 using a third party as an agent or broker to effect the sale, provided this exemption is
13 not applicable if the seed is a variety protected by the Plant Variety Protection Act
14 [7 U.S.C. 2321 et seq.], as amended through July 31, ~~2015~~2020.

15 **SECTION 7. REPEAL.** Section 4.1-53-41 of the North Dakota Century Code is repealed.