Sixty-seventh Legislative Assembly of North Dakota

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 <u>or dormant</u> seed;
- 10
- b. The percentage of hard <u>or dormant</u> 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:
- In order to To determine correctness and accuracy in labeling seed as required by this
 chapter, the seed commissioner shall:
- 16a.Apply the tolerances established by the Federal Seed Act of August 9, 193917[53 Stat. 1275; 7 U.S.C. 1551 et seq.], as amended through June 30,
- 18 2011August 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.
- Before a <u>resident or nonresident</u> person in this state may label <u>or sell</u> agricultural,
 vegetable, flower, or tree or shrub seed and before a person may label agricultural,

21.0710.01000

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1		veg	etable, 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.	<u>A p</u>	ermit issued under this section applies to employees and agents of the	
4		permitholder.		
5	<u>3.</u>	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.<u>4.</u>	lf a	person issued a seed labelingsales permit under this section fails to submit the	
13		rep	orts or fees required by this section within thirty days of the date determined by the	
14		see	d commissioner, the seed commissioner may assess a penalty equal to five-	
15		per	cent 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	

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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, 20152020 , 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	SEC	CTION 7. REPEAL. Section 4.1-53-41 of the North Dakota Century Code is repealed.		