

CHAPTER 4.1-52 SEED DEPARTMENT AND SEED COMMISSION

4.1-52-01. Seed department - Location.

The North Dakota seed department is the official seed-certifying agency of the state. The seed department must be located on the campus of North Dakota state university.

4.1-52-02. Seed department - Official seal.

The seed department shall use an official departmental seal that has been recorded in the office of the secretary of state.

4.1-52-03. Seed commission membership.

The seed commission is the governing board of the seed department. The seed commission consists of the following members:

1. An individual appointed by the North Dakota crop improvement association;
2. An individual appointed by the North Dakota certified seed potato growers association;
3. An individual appointed by the North Dakota dry edible bean seed growers association;
4. An individual appointed by the North Dakota agricultural association;
5. An individual appointed by the North Dakota potato council;
6. A resident of this state appointed by the northern plains potato growers association;
7. An individual who operates a seed-conditioning plant approved by the seed department, appointed by the North Dakota grain dealers association;
8. The director of the agricultural experiment station or the director's designee; and
9. The agriculture commissioner or the agriculture commissioner's designee.

4.1-52-04. Seed commission - Chairman - Meetings.

1. The agriculture commissioner shall serve as the chairman of the seed commission.
2. The chairman shall call all regular meetings of the seed commission and shall call a special meeting within seven days if petitioned to do so by two members of the seed commission.
3. The seed commission shall hold at least two regular meetings each year.

4.1-52-05. Seed commission - Appointment of proxy.

If a member of the seed commission is unable to attend a meeting of the commission, the member may appoint a proxy. The appointment must be in writing and must be presented to the chairman. The vote of the proxy is final.

4.1-52-06. Seed commission - Members - Compensation.

Each member of the seed commission, except the agriculture commissioner and the director of the agricultural experiment station, is entitled to receive compensation at the rate of one hundred thirty-five dollars per day and reimbursement for expenses, as provided by law for state officers, if the member is attending a commission meeting or performing duties directed by the commission.

4.1-52-07. Seed commission - Powers.

The seed commission may:

1. Establish branch offices and laboratories at locations in this state, other than the campus of North Dakota state university, if the seed commissioner determines that the offices and laboratories are necessary to carry out the duties of the seed commission, the seed commissioner, or the seed department;
2. Dismiss the seed commissioner for cause;
3. Appoint an acting seed commissioner if the position becomes vacant; and
4. Engage in efforts to promote and market certified seed produced in this state.

4.1-52-08. Seed commission - Duties.

The seed commission shall:

1. Appoint a seed commissioner;
2. Compensate the seed commissioner; and
3. Review the appointment of a seed commissioner, annually.

4.1-52-09. Seed commissioner - Powers.

The seed commissioner may:

1. Contract with North Dakota state university for the use of facilities and equipment;
2. Contract with any person for any lawful purpose;
3. Enter upon real property and access any structure and personal property, at any time, to:
 - a. Inspect, sample, and test seeds, potatoes, including seed potatoes, and other commodities for purposes of determining statutory and regulatory compliance; and
 - b. Inspect records for purposes of determining statutory and regulatory compliance;
4. Collect royalty, research, and patent fees; and
5. Issue phytosanitary certificates if authorized to do so by the United States department of agriculture animal and plant health inspection service or the agriculture commissioner.

4.1-52-10. Seed commissioner - Duties.

The seed commissioner shall:

1. Manage the seed department;
2. Provide, equip, and maintain offices, laboratories, and any other facilities necessary to carry out this chapter, subject to the approval of the seed commission;
3. Employ and compensate necessary personnel;
4. Permit North Dakota state university to use the seed department facilities and the services of the seed department laboratories at convenient times;
5.
 - a. Determine the nature and size of any seed and plant samples required by the seed department in order to conduct official tests or make official determinations; and
 - b. Prescribe the manner in which the seed and plant samples are to be obtained and delivered to the seed department;
6. Provide commodity inspection services upon request;
7. Establish and charge fees for services, subject to the approval of the seed commission;
8. Provide periodic reports to the seed commission regarding the management and operation of the seed department;
9. Recommend to the seed commission the annual budget and annual salary schedules for the seed department;
10. Do all things necessary to enforce the chapters over which the commissioner has authority and the rules implementing those chapters; and
11. Perform any other duties as directed by the seed commission.

4.1-52-11. Seed department fund - Continuing appropriation.

1. The seed commissioner shall forward all moneys received under the chapters over which the commissioner has authority to the state treasurer for deposit in a special fund known as the seed department fund. All moneys in the seed department fund are appropriated on a continuing basis to the seed department to carry out its statutory and regulatory obligations.
2. The seed commissioner shall approve all expenditures made pursuant to the chapters over which the commissioner has authority and shall document the expenditures at the time and in the manner required by the office of management and budget.

3. The seed commissioner shall provide a report to the house and senate appropriations committees of the legislative assembly, at the time and in the manner directed by the chairmen of the committees. The report must contain a summary of the department's activities during the current biennium and a statement of revenues and expenditures for the ensuing biennium.
4. At the direction of the seed commission, the state treasurer shall invest all available moneys in the seed department fund. The state treasurer shall credit twenty percent of the investment income to the general fund and the remaining eighty percent of the investment income to the seed department fund.