

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Monday, the sixth day of January,
one thousand nine hundred and ninety-seven**

HOUSE BILL NO. 1437
(Representatives Nicholas, Axtman, Gorder)
(Senators Nething, Tallackson, Wanzek)

AN ACT to create and enact three new sections to chapter 4-10 of the North Dakota Century Code, relating to quality standards for seed potatoes imported into the state and potato planting records; to amend and reenact section 4-10-22 of the North Dakota Century Code, relating to civil penalties for violating potato grading and inspection laws; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Three new sections to chapter 4-10 of the North Dakota Century Code are created and enacted as follows:

Imported seed potatoes - Certification requirement. All seed potatoes imported into this state for planting purposes by any person from any state, territory, or country must be accompanied by an official grade certificate describing the grade of the potatoes or a health certificate to certify that the lot of seed potatoes was field inspected by an official certifying agency and is similar to the standards established by this chapter for seed potatoes.

Exported seed potatoes - Certification requirement. All seed potatoes exported from this state must be accompanied by an official grade certificate describing the grade of the potatoes or a health certificate to certify that the lot of seed potatoes was field inspected by the state seed department.

Records. Every person who plants imported seed potatoes on more than one acre [.405 hectare] of land shall maintain records indicating the acreage [hectarage], varieties, and sources of all seed potatoes planted. The records must be available for inspection by the commissioner for a period of two years.

SECTION 2. AMENDMENT. Section 4-10-22 of the North Dakota Century Code is amended and reenacted as follows:

4-10-22. Penalties for violation of chapter.

1. Any person who violates any of the provisions of this chapter is guilty of a class A misdemeanor.
2. Any person who violates any of the provisions of this chapter is subject to a civil penalty not to exceed ~~one~~ five thousand dollars for each violation. Such civil penalty may be adjudicated by the courts or by the state seed department through an administrative hearing pursuant to chapter 28-32.
3. The department may, in accordance with the laws of this state governing injunctions and other process, maintain an action in the name of the state against any person violating any provision of this chapter.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1437.

House Vote: Yeas 93 Nays 2 Absent 2

Senate Vote: Yeas 47 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State