

Fifty-fifth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1434

Introduced by

Representatives Nelson, Warner, Brusegaard, D. Johnson

Senators Wanzek, Wogsland

1 A BILL for an Act to create and enact a new section to chapter 4-09 of the North Dakota  
2 Century Code, relating to labeling requirements for bagged agricultural seed; and to amend and  
3 reenact section 4-09-08 of the North Dakota Century Code, relating to public laboratory  
4 services by the state seed commissioner.

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

6 **SECTION 1. AMENDMENT.** Section 4-09-08 of the 1995 Supplement to the North  
7 Dakota Century Code is amended and reenacted as follows:

8 **4-09-08. Public laboratory service - ~~Free tests~~— Fees for additional tests.** Any  
9 ~~resident of this state may send samples of cereals, flax, sunflower, alfalfa, soybean, and edible~~  
10 ~~bean seed to the commissioner for germination tests. No more than three samples per year per~~  
11 ~~person may be examined and reported on free of charge. The commissioner shall accept~~  
12 ~~samples submitted to the state laboratory for testing and shall determine the types of tests to be~~  
13 ~~conducted on the samples. The commissioner, with the approval of the seed commission, shall~~  
14 ~~prescribe the time of year when seed samples will be accepted for free tests, the fees which will~~  
15 ~~apply to samples submitted by any resident of the state in excess of three, and the fees which~~  
16 ~~will be charged~~ establish and charge fees for all other laboratory tests and services.

17 **SECTION 2.** A new section to chapter 4-09 of the North Dakota Century Code is  
18 created and enacted as follows:

#### 19 **Labeling requirements for bagged agricultural seed.**

- 20 1. Sellers of bagged agricultural seed labeled and sold exclusively within this state,  
21 with the approval of the commissioner, may provide instead of a label or tag printed  
22 upon or attached to the bag an affidavit of analysis. The seller shall retain a copy  
23 of the affidavit.  
24 2. The affidavit must:

- 1           a.   Include all the labeling requirements as provided in section 4-09-10.
- 2           b.   Be properly delivered with each sale or movement of the seed.
- 3           c.   Contain the date of sale, the name and address of the labeler, the name and
- 4               address of the seller, if different than the labeler, the name and address of the
- 5               buyer, and the quantity sold.
- 6       3.   Each bag must have the following information stamped on or otherwise attached to
- 7           the bag:
- 8           a.   For seeds of wheat, durum, barley, oats, rye, soybeans, edible beans, and
- 9               flax, the commonly accepted name of the kind and variety of each agricultural
- 10              seed component.
- 11          b.   For seeds other than those listed in subdivision a, the commonly accepted
- 12              name of the kind or the kind and variety of each agricultural seed component.
- 13          c.   The lot number or other lot identification.
- 14          d.   The name and address of the labeler or packager.
- 15          e.   For seeds of all certified classes, an official certification tag properly attached
- 16              to or printed on each bag.