

SENATE BILL NO. 2235

Introduced by

Senators Wanzek, G. Nelson, Nichols

Representatives Belter, Berg, Pollert

1 A BILL for an Act to create and enact a new chapter to title 4 of the North Dakota Century
2 Code, relating to the inspection, analysis, and verification of seeds and crops; and to provide for
3 a report.

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

5 **SECTION 1.** A new chapter to title 4 of the North Dakota Century Code is created and
6 enacted as follows:

7 **Definitions.** As used in this chapter, unless the context otherwise requires:

- 8 1. "Analysis" means the laboratory examination of seeds, crops, or plant tissue to
9 determine the genetic identity or physical traits of the seeds or crops.
10 2. "Commission" means the state seed commission.
11 3. "Commissioner" means the state seed commissioner.
12 4. "Department" means the state seed department.
13 5. "Inspection" means a visual field inspection of seeds or crops.

14 **Commissioner - Genetic identity - Physical traits - Analysis and verification.** The
15 commissioner shall establish procedures for inspecting, analyzing, and verifying the genetic
16 identity or physical traits of seeds or crops. The procedures must address the compilation of all
17 necessary documentation and other administrative functions.

18 **Inspection and analysis - Procurement of samples.** The commissioner may inspect
19 and analyze seed or crop grown, sold, or otherwise situated in this state to determine and verify
20 the genetic identity or physical traits of the seed or the crop. The commissioner may procure
21 samples of seed or crop grown in this state, sold in this state, or otherwise situated in this state
22 or may accept for analysis and verification samples submitted from any public or nonpublic
23 entity that is the owner of the seed or crop. The commissioner shall determine the size and
24 nature of each sample to be submitted to the laboratory, the manner in which each sample is to

1 be taken, the purposes for which each sample is to be taken, the manner in which each
2 sample's identity is to be preserved, and the manner in which each sample is to be delivered to
3 the laboratory.

4 **Field inspections.** The commissioner shall determine the criteria for field inspections.

5 **Inspection and analysis - Fee.** The commissioner, with the approval of the
6 commission, shall establish and charge a fee for inspecting, analyzing, and performing any
7 other services permitted by this chapter.

8 **Laboratories and facilities.** The commissioner shall provide and maintain laboratories
9 and other facilities necessary to conduct the analyses authorized by this chapter and to effect
10 any other work necessary to implement this chapter.

11 **Identity preservation - Segregation - Traceability.** The commissioner shall establish
12 a procedure for the identity preservation, segregation, and traceability of seeds or crops
13 inspected or analyzed under this chapter.

14 **Labels - Documentation.** The commissioner shall prescribe the type of labels and
15 other identifying documentation to be affixed by the commissioner to seeds or crops inspected
16 and analyzed under this chapter. All labels and other identifying documentation affixed by the
17 commissioner must clearly bear the identification of the department and may be used only by
18 the commissioner in conjunction with the verification services provided under this chapter.

19 **Contract for services - Protection of growers.** The commissioner may contract with
20 any public or private entity to provide protection, inspection, analysis, or verification of seeds or
21 crops, as provided by this chapter.

22 **Deposit of fees - Investment.** The commissioner shall deposit all moneys arising from
23 the collection of fees under this chapter with the state treasurer for credit to the seed
24 department revolving fund. At the direction of the commission, the state treasurer shall provide
25 for the investment of available moneys from the revolving fund. The state treasurer shall
26 deposit twenty percent of the income from the investment of the moneys in the general fund
27 and the remaining eighty percent of the investment income in the seed department revolving
28 fund.

29 **Warranties regarding seeds or crops.** The commission, the commissioner, and the
30 department make no warranties of any kind, either expressed or implied, including warranties of

1 merchantability, fitness for a particular purpose, or absence of disease, as to seed or crop that
2 is inspected, analyzed, or verified under this chapter.

3 **SECTION 2. STATE SEED COMMISSIONER - REPORT.** Before July 1, 2002, the
4 state seed commissioner shall present a report to the legislative council regarding the regional,
5 national, and international status of genetically enhanced or modified seeds and crops, with
6 attention to the ecological, environmental, health, and marketing aspects of genetically
7 enhanced or modified seeds and crops.