

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

SENATE BILL NO. 2235
(Senators Wanzek, G. Nelson, Nichols)
(Representatives Belter, Berg, Pollert)

AN ACT to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to the inspection, analysis, and verification of seeds and crops; and to provide for a report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

Inspection and analysis - Procurement of samples. The commissioner may inspect and analyze seed or crop grown, sold, or otherwise situated in this state to determine and verify the genetic identity or physical traits of the seed or the crop. The commissioner may procure samples of seed or crop grown in this state, sold in this state, or otherwise situated in this state or may accept for analysis and verification samples submitted from any public or nonpublic entity that is the owner of the seed or crop. The commissioner shall determine the size and nature of each sample to be submitted to the laboratory, the manner in which each sample is to be taken, the purposes for which each sample is to be taken, the manner in which each sample's identity is to be preserved, and the manner in which each sample is to be delivered to the laboratory.

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

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

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

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

Labels - Documentation. The commissioner shall prescribe the type of labels and other identifying documentation to be affixed by the commissioner to seeds or crops inspected and analyzed

under this chapter. All labels and other identifying documentation affixed by the commissioner must clearly bear the identification of the department and may be used only by the commissioner in conjunction with the verification services provided under this chapter.

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

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

Warranties regarding seeds or crops. The commission, the commissioner, and the department make no warranties of any kind, either expressed or implied, including warranties of merchantability, fitness for a particular purpose, or absence of disease, as to seed or crop that is inspected, analyzed, or verified under this chapter.

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2235.

Senate Vote: Yeas 49 Nays 0 Absent 0

House Vote: Yeas 94 Nays 0 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,
at _____ o'clock _____ M.

Secretary of State