

FIRST ENGROSSMENT

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED 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~~
11 ~~per 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~~
13 ~~be conducted on the samples. The commissioner, with the approval of the seed commission,~~
14 ~~shall prescribe the time of year when seed samples will be accepted for free tests, the fees~~
15 ~~which will apply to samples submitted by any resident of the state in excess of three, and the~~
16 ~~fees which 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. Labelers 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
22 printed upon or attached to the bag an affidavit of analysis. The seller shall retain
23 a copy 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.