

**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. 1434
(Representatives Nelson, Warner, Brusegaard, D. Johnson)
(Senators Wanzek, Wogsland)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

Labeling requirements for bagged agricultural seed.

1. Labelers of bagged agricultural seed labeled and sold exclusively within this state, with the approval of the commissioner, may provide instead of a label or tag printed upon or attached to the bag an affidavit of analysis. The seller shall retain a copy of the affidavit.
2. The affidavit must:
 - a. Include all the labeling requirements as provided in section 4-09-10.
 - b. Be properly delivered with each sale or movement of the seed.
 - c. Contain the date of sale, the name and address of the labeler, the name and address of the seller, if different than the labeler, the name and address of the buyer, and the quantity sold.
3. Each bag must have the following information stamped on or otherwise attached to the bag:
 - a. For seeds of wheat, durum, barley, oats, rye, soybeans, edible beans, and flax, the commonly accepted name of the kind and variety of each agricultural seed component.
 - b. For seeds other than those listed in subdivision a, the commonly accepted name of the kind or the kind and variety of each agricultural seed component.
 - c. The lot number or other lot identification.

- d. The name and address of the labeler or packager.
- e. For seeds of all certified classes, an official certification tag properly attached to or printed on each bag.

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. 1434.

House Vote: Yeas 90 Nays 6 Absent 1

Senate Vote: Yeas 46 Nays 1 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