

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1437

Introduced by

Representatives Nicholas, Axtman, Gorder

Senators Nething, Tallackson, Wanzek

1 A BILL for an Act to create and enact three new sections to chapter 4-10 of the North Dakota
2 Century Code, relating to quality standards for seed potatoes imported into the state and potato
3 planting records; to amend and reenact section 4-10-22 of the North Dakota Century Code,
4 relating to civil penalties for violating potato grading and inspection laws; and to provide a
5 penalty.

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

7 **SECTION 1.** Three new sections to chapter 4-10 of the North Dakota Century Code are
8 created and enacted as follows:

9 **Imported seed potatoes - Certification requirement.** All seed potatoes imported into
10 this state for planting purposes by any person from any state, territory, or country must be
11 accompanied by an official grade certificate describing the grade of the potatoes or a health
12 certificate to certify that the lot of seed potatoes was field inspected by an official certifying
13 agency and is equal to the standards established by this chapter for seed potatoes.

14 **Exported seed potatoes - Certification requirement.** All seed potatoes exported
15 from this state must be accompanied by an official grade certificate describing the grade of the
16 potatoes or a health certificate to certify that the lot of seed potatoes was field inspected by the
17 state seed department.

18 **Records.** Every person who plants imported seed potatoes on more than one acre
19 [.405 hectare] of land shall maintain records indicating the acreage [hectarage], varieties, and
20 sources of all seed potatoes planted. The records must be available for inspection by the
21 commissioner for a period of two years.

22 **SECTION 2. AMENDMENT.** Section 4-10-22 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **4-10-22. Penalties for violation of chapter.**

- 1 1. Any person who violates any of the provisions of this chapter is guilty of a class A
- 2 misdemeanor.
- 3 2. Any person who violates any of the provisions of this chapter is subject to a civil
- 4 penalty not to exceed ~~one~~ five thousand dollars for each violation. Such civil
- 5 penalty may be adjudicated by the courts or by the state seed department through
- 6 an administrative hearing pursuant to chapter 28-32.
- 7 3. The department may, in accordance with the laws of this state governing
- 8 injunctions and other process, maintain an action in the name of the state against
- 9 any person violating any provision of this chapter.