

SENATE BILL NO. 2204

Introduced by

Senators Nichols, Erbele, Tomac

Representatives Boehm, Nelson, Rennerfeldt

1 A BILL for an Act to amend and reenact subsection 1 of section 4-09-14 of the North Dakota
2 Century Code, relating to noxious weed seeds.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 4-09-14 of the 1999 Supplement
5 to the North Dakota Century Code is amended and reenacted as follows:

- 6 1. It is unlawful for any person to sell, offer for sale, expose for sale, transport for
7 sale, or hold or store with the intent to sell, any agricultural, vegetable, flower, or
8 tree and shrub seed within this state if:
- 9 a. The test to determine the percentage of germination required under sections
10 4-09-10, 4-09-11, 4-09-11.1, and 4-09-11.2 has not been completed within a
11 nine-month period, exclusive of the calendar month in which the test was
12 completed, immediately prior to the sale, offering for sale, or transportation,
13 provided that seeds contained in a hermetically sealed container, as defined
14 by regulation issued by the seed commissioner, may be sold, transported for
15 sale, or held for sale unless the test provided in this subdivision has not been
16 completed within a thirty-six-month period, exclusive of the calendar month in
17 which the test was completed, immediately prior to the sale, offering for sale,
18 or transportation for sale;
- 19 b. ~~Such~~ The seed is not labeled in accordance with the provisions of this chapter
20 or bears false or misleading labeling;
- 21 c. There has been false or misleading advertising in connection with ~~such~~ the
22 seed;
- 23 d. ~~Such~~ The seed contains prohibited noxious weed seeds;

- 1 e. With regard to agricultural or vegetable seed, ~~such the~~ seed is not labeled to
2 show the rate of occurrence of restricted noxious weed seeds, as required
3 under sections 4-09-10 and 4-09-11;
- 4 f. ~~Such The~~ seed is designated, offered, represented, or advertised under any
5 name or identification other than that by which it was known originally;
- 6 g. ~~Such The~~ seed contains restricted noxious weed seeds in excess of ~~ninety~~
7 ten seeds per pound [453.59 grams]; or
- 8 h. The percentage by weight of all weed seeds in the seed exceeds one percent.
- 9 Any person, under rules ~~and regulations to be made therefor~~ adopted by the
10 commissioner, may submit to the commissioner a sample of any seed which the
11 person claims to be a new variety, distinct from any commonly known variety of
12 ~~such the~~ seed, together with a proposed, distinctive name ~~therefor~~. The
13 commissioner, within one year, shall make ~~such any~~ tests ~~as~~ the commissioner
14 considers necessary, and if the commissioner finds as a result of ~~such the~~ tests
15 that ~~such the~~ seed or plant is of a new variety, distinct from any known variety of
16 ~~such the~~ seed ~~known theretofore~~ and that the proposed name ~~proposed therefor~~
17 will properly distinguish ~~said the~~ seed from any and all other varieties ~~thereof~~, the
18 commissioner shall issue to the ~~person applying therefor~~ applicant a permit to
19 designate ~~such the~~ seed by ~~said the proposed~~ name. The purchaser, vendor, or
20 any person receiving any seed shipped into this state from without the state, shall
21 have the same labeled in accordance with ~~and in conformity to the requirements of~~
22 this chapter. Certain standardized grades and labeling of seed in use elsewhere
23 may be permitted by the commissioner in connection with shipments of seed into
24 this state from points outside ~~thereof~~ this state in lieu of the labeling provided for in
25 this chapter.