

SENATE BILL NO. 2389

Introduced by

Senators Holmberg, Tallackson

1 A BILL for an Act to create and enact a new section to chapter 4-09.1 of the North Dakota
2 Century Code, relating to potato inspections; and to amend and reenact section 4-10-06.1 of
3 the North Dakota Century Code, relating to transfers of certified seed.

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

5 **SECTION 1.** A new section to chapter 4-09.1 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Potatoes - Border inspection.** The commissioner shall require all potatoes shipped
8 into or from this state to be inspected at the North Dakota border by a federal or state inspector.
9 No potatoes may be shipped into this state or from this state unless they are accompanied by a
10 health certificate and a phytosanitary certificate issued under this section. The certificates must
11 include the potatoes' grade, seed lot, and date of inspection.

12 **SECTION 2. AMENDMENT.** Section 4-10-06.1 of the 1999 Supplement to the North
13 Dakota Century Code is amended and reenacted as follows:

14 **4-10-06.1. Seed potatoes - Certification requirement.**

- 15 1. A person may not plant seed potatoes in lots of one acre [.405 hectare] or more,
16 for the purpose of selling the crop to be harvested, unless the seed potatoes ~~have:~~
17 a. Have been certified by the commissioner as meeting the standards of this
18 chapter, ~~have;~~
19 b. Have been certified by another state or province having a similar seed potato
20 quality assurance program; ~~;~~ or ~~have~~
21 c. Have been field-inspected and approved by the commissioner. ~~However, the~~
22 2. The commissioner shall permit a North Dakota ~~growers~~ grower to plant uncertified
23 potatoes grown by ~~them~~ the grower, if the ~~growers are~~ grower is within twelve
24 months of having ~~their~~ the grower's own certified parent seed potatoes.

- 1 3. The commissioner shall permit a North Dakota grower to sell or otherwise transfer
2 certified seed to another North Dakota grower once each year. The recipient
3 grower may plant the seed only for commercial production. The recipient grower
4 may not replant the seed for recertification purposes.
- 5 4. If the commissioner has reason to believe that seed potatoes meeting the
6 requirements of this section are not available in sufficient quantities to fulfill
7 planting needs, the commissioner may permit the planting of seed potatoes with a
8 higher disease content, provided that bacterial ring rot is not present and that a
9 serious disease threat is not posed.