

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

SENATE BILL NO. 2389
(Senators Holmberg, Tallackson)

AN ACT to amend and reenact section 4-10-06.1 of the North Dakota Century Code, relating to transfers of certified seed potatoes; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4-10-06.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

1. A person may not plant seed potatoes in lots of one acre [.405 hectare] or more, for the purpose of selling the crop to be harvested, unless the seed potatoes ~~have~~:
 - a. Have been certified by the commissioner as meeting the standards of this chapter; ~~have~~;
 - b. Have been certified by another state or province having a similar seed potato quality assurance program; ~~or have~~
 - c. Have been field-inspected and approved by the commissioner. ~~However, the~~
2. The commissioner shall permit a North Dakota grower to plant uncertified potatoes grown by them the grower, if the grower is within twelve months of having their the grower's own certified parent seed potatoes.
3. The commissioner shall permit a North Dakota potato grower to sell or otherwise transfer certified seed potatoes to another North Dakota potato grower. The recipient grower may plant the seed potatoes only for commercial production. The seed potatoes may not be recertified or retained for use in the following production cycle.
4. If the commissioner has reason to believe that seed potatoes meeting the requirements of this section are not available in sufficient quantities to fulfill planting needs, the commissioner may permit the planting of seed potatoes with a higher disease content, provided that bacterial ring rot is not present and that a serious disease threat is not posed.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2389 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 0 Absent 3

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 96 Nays 0 Absent 2

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,

at ___ o'clock _____ M.

Secretary of State