

**FIRST ENGROSSMENT  
with House Amendments**

Fifty-ninth  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE BILL NO. 2326**

Introduced by

Senators Tallackson, Klein

Representatives Headland, Nicholas, Pollert, Solberg

1 A BILL for an Act to amend and reenact sections 4-10-01 and 4-10-06.3 of the North Dakota  
2 Century Code, relating to seed potato certification requirements; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 4-10-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **4-10-01. Definitions.** In this chapter, unless the context ~~or subject matter~~ otherwise  
7 requires:

- 8 1. "Agent" or "agents", when used to indicate or refer to the commissioner's agent or  
9 agents, means the commissioner's deputies, inspectors, representatives, agents,  
10 or other assistants as the case requires.
- 11 2. "Certified" means the potatoes were randomly inspected and found to meet the  
12 rules and regulations of the state seed department.
- 13 3. "Closed container", or its plural form, means any container which shall be sewed,  
14 tied, sealed, glued, nailed, or otherwise closed in a practical or secure manner for  
15 handling.
- 16 4. "Commissioner" means the state seed commissioner.
- 17 5. "Inspection" means a random sample of potato plants or potato tubers were  
18 examined according to the rules ~~and regulations~~ of the state seed department or  
19 according to the instructions of the United States department of agriculture, food  
20 safety and quality service.
- 21 6. "Label", and its various grammatical forms, when used as a noun means any tag,  
22 label, brand, or device attached to, or written, stamped, printed, or stenciled on,  
23 any container and carrying a term or terms setting forth the grade, condition,  
24 quality, weight, variety, or class of the potatoes or other produce therein contained,

1 and when used as a verb means the act or the fact of the use of the aforesaid  
2 labeling items and methods in connection with potatoes or other produce, and  
3 when used as an adjective, its descriptive meaning must be interpreted from its  
4 use and meaning as a noun and verb as herein prescribed.

5 7. "Other produce" means natural products of the farm, garden, and orchard,  
6 exclusive of grain, true seeds, livestock, and livestock products.

7 8. ~~"Person" means both the singular and plural, as the case requires, and includes~~  
8 ~~individuals, copartnerships, companies, societies, associations, firms,~~  
9 ~~corporations, or limited liability companies.~~

10 9. "Potatoes" means what is commonly called and known as white or Irish potatoes.

11 ~~40.~~ 9. "State seed department" means the seed department of the state of North Dakota.

12 10. "Variety" means a plant group within a single botanical taxon of the lowest-known  
13 rank which, without regard to whether the conditions for plant variety protection are  
14 met, can be defined by the expression of the characteristics resulting from a given  
15 genotype or combination of genotypes, distinguished from any other plant grouping  
16 by the expression of at least one characteristic, and considered as a unit with  
17 regard to the suitability of the plant grouping for being propagated unchanged. A  
18 variety may be represented by seed, transplants, plants, tubers, tissue culture,  
19 plantlets, and other matter.

20 **SECTION 2. AMENDMENT.** Section 4-10-06.3 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **4-10-06.3. Imported seed potatoes - Certification requirement.** All seed potatoes  
23 imported into this state for planting purposes by any person from any state, territory, or country  
24 must be accompanied by ~~an~~:

- 25 1. a. An official grade certificate describing the grade of the potatoes; or a  
26 b. A health certificate to certify that the lot of seed potatoes was field inspected  
27 by an official certifying agency and is similar to the standards established by  
28 this chapter for seed potatoes; and  
29 2. Any other document or certificate required for the importation of seed potatoes by  
30 the state, province, territory, or country of origin, including test results issued by a

1                   laboratory approved by the United States department of agriculture's animal and  
2                   plant health inspection service.

3                   **SECTION 3. EMERGENCY.** Section 2 of this Act is declared to be an emergency  
4 measure.