

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1270

Introduced by

Representatives Mueller, Boe, D. Johnson, Wall

Senators Dotzenrod, Wanzek

1 A BILL for an Act to create and enact a new chapter to title 4.1 of the North Dakota Century  
2 Code, relating to the certification of forage; to repeal section 63-01.1-12.2 of the North Dakota  
3 Century Code, relating to weed-free certification of gravel pits and forage; to provide an  
4 appropriation; and to declare an emergency.

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

6 **SECTION 1.** A new chapter to title 4.1 of the North Dakota Century Code is created  
7 and enacted as follows:

8 **Certification of forage - Compliance with other standards.**

- 9 1. To obtain certification that weeds prohibited according to the standards of the  
10 North American weed management association are not cut when producing viable  
11 seeds and included in baled forage, the owner of the forage shall request that the  
12 agriculture commissioner conduct a certification inspection.
- 13 2. Upon receiving the request, the agriculture commissioner shall:
- 14 a. Inspect the forage acreage within ten days before harvest to verify that weeds  
15 prohibited according to the standards of the North American weed  
16 management association are not present and producing viable seeds; and
- 17 b. (1) Ascertain that the scheduled harvest has occurred;  
18 (2) Determine the number of bales for which certification tags must be  
19 issued; and  
20 (3) Verify that the baled forage is stored or will be stored only in an area  
21 where weeds prohibited according to the standards of the North  
22 American weed management association are not present and  
23 producing viable seeds.

1           3.   If the agriculture commissioner determines that the conditions of subsection 2 have  
2               been met, the commissioner shall issue and affix or cause to be affixed on each  
3               bale of forage one dated certification tag.

4           **Agents of the commissioner - Designation - Training.** The agriculture commissioner  
5   may designate individuals to serve as agents of the commissioner for the purpose of  
6   conducting the inspections permitted by this Act. To be designated as an agent, an individual  
7   must:

- 8           1.   Be a weed control officer;  
9           2.   Be a member of a county or a city weed board;  
10          3.   Be determined by the commissioner to have a level of education and experience  
11               sufficient to accurately perform the requested certifications; or  
12          4.   At least once every thirty-six months, successfully complete a training program  
13               conducted by the commissioner.

14          **Reciprocal recognition of certification.** The agriculture commissioner may contract  
15   with any governmental entity that is responsible for the certification of forage in another state or  
16   province and provide for the reciprocal recognition of such certifications.

17          **Fees - Continuing appropriation.** The agriculture commissioner may set and charge  
18   fees for certifying forage in accordance with this chapter. The commissioner shall deposit  
19   moneys collected under this chapter in the environment and rangeland protection fund.

20          **SECTION 2. REPEAL.** Section 63-01.1-12.2 of the North Dakota Century Code is  
21   repealed.

22          **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.