

Sixty-first
Legislative Assembly
of North Dakota

REENGROSSED 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; to provide an appropriation; and to declare an
4 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.