

Sixty-first  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO.**

Introduced by

Representative Mueller

1 A BILL for an Act to create and enact five new sections to chapter 63-01.1 of the North Dakota  
2 Century Code or in the alternative to provide for the certification of gravel pits and forage; and  
3 to repeal section 63-01.1-12.2 of the North Dakota Century Code, relating to weed-free  
4 certification of gravel pits, sand pits, and hay land.

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

6 **SECTION 1.** If House Bill No. 1025 does become effective, a new section to chapter  
7 63-01.1 of the North Dakota Century Code is created and enacted as follows:

8 **Certification of gravel pits.**

9 1. The commissioner of agriculture shall inspect any gravel pit in this state, when  
10 requested to do so by the owner or lessee of the gravel pit. If the commissioner  
11 inspects the pit between the twentieth day of June and the tenth day of July, and  
12 determines that the noxious weeds in the pit have been controlled, as required by  
13 this chapter, the commissioner shall certify that the pit has been inspected and  
14 found to be in compliance with the noxious weed laws of this state. A certification  
15 issued by the commissioner under this section is valid until April first following the  
16 date of the inspection.

17 2. For purposes of this section a "gravel pit" includes any pit or surface area from  
18 which sand, gravel, aggregate, scoria, or other road building material is removed.

19 **SECTION 2.** If House Bill No. 1025 does not become effective, a new section to  
20 chapter 63-01.1 of the North Dakota Century Code is created and enacted as follows:

21 **Certification of forage - Compliance with noxious weed laws.** The commissioner of  
22 agriculture shall inspect any land from which forage is to be harvested, when requested to do  
23 so by the owner or lessee of the land. If the commissioner inspects the land no more than ten  
24 days prior to harvesting of the forage and determines that noxious weeds on the land have

1 been controlled, as required by this chapter, and if the commissioner returns upon completion  
2 of the forage harvest and verifies that the harvested forage has been stored in an area that is in  
3 compliance with the noxious weed laws of this state, the commissioner shall certify that the  
4 forage has been harvested from and stored on land that is in compliance with the noxious weed  
5 laws of this state.

6 **SECTION 3.** The House Bill No. 1025 does not become effective, a new section to  
7 chapter 63-01.1 of the North Dakota Century Code is created and enacted as follows:

8 **Certification of forage - Compliance with noxious weed laws.** The commissioner of  
9 agriculture shall inspect any land from which forage is to be harvested, when requested to do  
10 so by the owner or lessee of the land. If the commissioner inspects the land no more than ten  
11 days prior to harvesting of the forage and determines that weeds on the land have been  
12 controlled, in accordance with standards established by the North American weed management  
13 association, and if the commissioner returns upon completion of the forage harvest and verifies  
14 that the harvested forage has been stored in an area that is in compliance with the standards  
15 established by the North American weed management association, the commissioner shall  
16 certify that the forage has been harvested from the stored on land that is in compliance with the  
17 standards established by the North American weed management association.

18 **SECTION 4.** If House Bill No. 1025 does not become effective, a new section to  
19 chapter 63-01.1 of the North Dakota Century Code is created and enacted as follows:

20 **Agents of the commissioner - Designation - Training.** The commissioner may  
21 designate individuals to serve as agents of the commissioner, for purposes of conducting the  
22 inspections permitted by this Act. In order to be designated as an agent, and individual must:

- 23 1. Be a weed control officer;
- 24 2. Be determined by the commissioner to have a level of education and experience  
25 sufficient to accurately perform the requested certifications; or
- 26 3. At least once every thirty-six months, successfully complete a training program  
27 conducted by the commissioner.

28 **SECTION 5.** If House Bill No. 1025 does not become effective, a new section to  
29 chapter 63-01.1 of the North Dakota Century Code is created and enacted as follows:

30 **Fees.** The commissioner shall adopt a schedule of fees to be charged for certifications  
31 requested under this Act.

**SECTION 6. Certification of gravel pits.**

1. The commissioner of agriculture shall inspect any gravel pit in this state, when requested to do so by the owner or lessee of the gravel pit. If the commissioner inspects the pit between the twentieth day of June and the tenth day of July, and determines that the noxious weeds in the pit have been controlled, as required by this chapter, the commissioner shall certify that the pit has been inspected and found to be in compliance with the noxious weed laws of this state. A certification issued by the commissioner under this section is valid until April first following the date of the inspection.

2. For purposes of this section a "gravel pit" includes any pit or surface area from which sand, gravel, aggregate, scoria, or other road building material is removed.

**SECTION 7. Certification of forage - Compliance with noxious weed laws.** The

commissioner of agriculture shall inspect any land from which forage is to be harvested, when requested to do so by the owner or lessee of the land. If the commissioner inspects the land no more than ten days prior to harvesting of the forage and determines that noxious weeds on the land have been controlled, as required by this chapter, and if the commissioner returns upon completion of the forage harvest and verifies that the harvested forage has been stored in an area that is in compliance with the noxious weed laws of this state, the commissioner shall certify that the forage has been harvested from and stored on land that is in compliance with the noxious weed laws of this state.

**SECTION 8. Certification of forage - Compliance with noxious weed laws.** The

commissioner of agriculture shall inspect any land from which forage is to be harvested, when requested to do so by the owner or lessee of the land. If the commissioner inspects the land no more than ten days prior to harvesting of the forage and determines that weeds on the land have been controlled, in accordance with standards established by the North American weed management association, and if the commissioner returns upon completion of the forage harvest and verifies that the harvested forage has been stored in an area that is in compliance with the standards established by the North American weed management association, the commissioner shall certify that the forage has been harvested from and stored on land that is in compliance with the standards established by the North American weed management association.

1           **SECTION 9. Agents of the commissioner - Designation - Training.** The  
2 commissioner may designate individuals to serve as agents of the commissioner, for purposes  
3 of conducting the inspections permitted by this Act. In order to be designated as an agent, an  
4 individual must:

- 5           1. Be a weed control officer;
- 6           2. Be determined by the commissioner to have a level of education and experience  
7           sufficient to accurately perform the requested certifications; or
- 8           3. At least once every thirty-six months, successfully complete a training program  
9           conducted by the commissioner.

10           **SECTION 11. REPEAL.** If House Bill No. 1025 does not become effective, section  
11 63-01.1-12.2 of the North Dakota Century Code is repealed.