

Sixty-second  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2085**

Introduced by

Agriculture Committee

(At the request of the Agriculture Commissioner)

1 A BILL for an Act to create and enact subsection 3 to section 4.1-47-05 and subdivision c to  
2 subsection 1 of section 4.1-47-31 of the North Dakota Century Code, relating to the process by  
3 which the noxious weed list is amended and the penalty for selling noxious weeds; to amend  
4 and reenact section 4.1-47-02 of the North Dakota Century Code, relating to the control and  
5 sale of noxious weeds; to provide a penalty; and to allow the agriculture commissioner to use  
6 environment and rangeland protection funds for invasive species control.

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

8 **SECTION 1. AMENDMENT.** Section 4.1-47-02 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **4.1-47-02. Control of noxious weeds –Responsibility.**

- 11 1. Each person shall do all things necessary and proper to control the spread of noxious  
12 weeds.  
13 2. No person may distribute, sell, or offer for sale within this state a noxious weed,  
14 noxious weed seed, or noxious weed propagating part.

15 **SECTION 2.** Subsection 3 to section 4.1-47-05 of the North Dakota Century Code is  
16 created and enacted as follows:

- 17 3. In adding or removing weeds from the noxious weed list the commissioner is not  
18 required to comply with rulemaking requirements in chapter 28-32.

19 **SECTION 3.** Subdivision c to subsection 1 of section 4.1-47-31 of the North Dakota Century  
20 Code is created and enacted as follows:

- 21 c. A person who violates subsection 2 of section 4.1-47-02 is subject to a civil  
22 penalty not to exceed one hundred dollars for each violation.

23 **SECTION 4. ENVIRONMENT AND RANGELAND PROTECTION FUND - INVASIVE**

24 **SPECIES CONTROL.** The agriculture commissioner may use up to \$50,000 of the amount

- 1 available to the commissioner from legislative appropriation for the biennium beginning July 1,
- 2 2011, and ending June 30, 2013, from environment and rangeland protection funds for the
- 3 purpose of controlling invasive species as provided by section 4.1-47-33.