

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 created  
16 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.