

Sixty-second  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2085

Introduced by

Agriculture Committee

(At the request of the Agriculture Commissioner)

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

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

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

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

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

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

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

**SECTION 2.** Subdivision c to subsection 1 of section 4.1-47-31 of the North Dakota Century Code is created and enacted as follows:

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

**SECTION 3. ENVIRONMENT AND RANGELAND PROTECTION FUND - INVASIVE**

**SPECIES CONTROL.** The agriculture commissioner may use up to \$50,000 of the amount available to the commissioner from legislative appropriation for the biennium beginning July 1,

- 1 2011, and ending June 30, 2013, from environment and rangeland protection funds for the
- 2 purpose of controlling invasive species as provided by section 4.1-47-33.