

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.

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

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

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

12 **SECTION 7. Certification of forage - Compliance with noxious weed laws.** The
13 commissioner of agriculture shall inspect any land from which forage is to be harvested, when
14 requested to do so by the owner or lessee of the land. If the commissioner inspects the land no
15 more than ten days prior to harvesting of the forage and determines that noxious weeds on the
16 land have been controlled, as required by this chapter, and if the commissioner returns upon
17 completion of the forage harvest and verifies that the harvested forage has been stored in an
18 area that is in compliance with the noxious weed laws of this state, the commissioner shall
19 certify that the forage has been harvested from and stored on land that is in compliance with the
20 noxious weed laws of this state.

21 **SECTION 8. Certification of forage - Compliance with noxious weed laws.** The
22 commissioner of agriculture shall inspect any land from which forage is to be harvested, when
23 requested to do so by the owner or lessee of the land. If the commissioner inspects the land no
24 more than ten days prior to harvesting of the forage and determines that weeds on the land
25 have been controlled, in accordance with standards established by the North American weed
26 management association, and if the commissioner returns upon completion of the forage
27 harvest and verifies that the harvested forage has been stored in an area that is in compliance
28 with the standards established by the North American weed management association, the
29 commissioner shall certify that the forage has been harvested from and stored on land that is in
30 compliance with the standards established by the North American weed management
31 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.