

Introduced by

1 A BILL for an Act to provide for the certification of gravel pits and forage; to repeal section
2 63-01.1-12.2 of the North Dakota Century Code, relating to weed-free certification of gravel pits,
3 sand pits, and hay land; and to declare an emergency.

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

5 **SECTION 1. Certification of gravel pits.** For purposes of this section a "gravel pit"
6 includes any pit or surface area from which sand, gravel, aggregate, scoria, or other road
7 building material is removed. The agriculture commissioner shall inspect any gravel pit in this
8 state when requested to do so by the owner or lessee of the gravel pit. If the commissioner
9 inspects the pit between the twentieth day of June and the tenth day of July and determines
10 that the noxious weeds in the pit have been controlled as required by law, the commissioner
11 shall certify that the pit has been inspected and found to be in compliance with the noxious
12 weed laws of this state. A certification issued by the commissioner under this section is valid
13 until April first following the date of the inspection.

14 **SECTION 2. Certification of forage - Compliance with noxious weed laws.** The
15 agriculture commissioner shall inspect any land from which forage is to be harvested when
16 requested to do so by the owner or lessee of the land. If the commissioner inspects the land
17 within ten days before harvesting of the forage and determines that noxious weeds on the land
18 have been controlled as required by law, and if the commissioner returns upon completion of
19 the forage harvest and verifies that the harvested forage has been stored in an area that is in
20 compliance with the noxious weed laws of this state, the commissioner shall certify that the
21 forage has been harvested from and stored on land that is in compliance with the noxious weed
22 laws of this state.

23 **SECTION 3. Certification of forage - Compliance with other standards.** The
24 agriculture commissioner shall inspect any land from which forage is to be harvested when

1 requested to do so by the owner or lessee of the land. If the commissioner inspects the land
2 within ten days before harvesting of the forage and determines that weeds on the land have
3 been controlled in accordance with standards established by the North American weed
4 management association, and if the commissioner returns upon completion of the forage
5 harvest and verifies that the harvested forage has been stored in an area that is in compliance
6 with the standards established by the North American weed management association, the
7 commissioner shall certify that the forage has been harvested from and stored on land that is in
8 compliance with the standards established by the North American weed management
9 association.

10 **SECTION 4. Agents of the commissioner - Designation - Training.** The agriculture
11 commissioner may designate individuals to serve as agents of the commissioner for purposes
12 of conducting the inspections permitted by this Act. To be designated as an agent, an
13 individual must:

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

19 **SECTION 5. REPEAL.** Section 63-01.1-12.2 of the North Dakota Century Code is
20 repealed.

21 **SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure.