

**HOUSE BILL NO. 1270**

Introduced by

Representatives Mueller, Boe, D. Johnson, Wall

Senators Dotzenrod, Wanzek

1 A BILL for an Act to create and enact a new chapter to title 4.1 of the North Dakota Century  
2 Code, relating to the certification of gravel pits and forage; to repeal section 63-01.1-12.2 of the  
3 North Dakota Century Code, relating to weed-free certification of gravel pits and forage; to  
4 provide an appropriation; and to declare an emergency.

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

6 **SECTION 1.** A new chapter to title 4.1 of the North Dakota Century Code is created  
7 and enacted as follows:

8 **Certification of gravel pits.**

- 9 1. To obtain certification that a gravel pit is in compliance with the noxious weed laws  
10 of this state, the owner or lessee shall request the agriculture commissioner to  
11 conduct a certification inspection.
- 12 2. Upon receiving the request, the agriculture commissioner shall inspect the pit at  
13 least twice. The inspections must be at intervals of at least four weeks and may  
14 occur during any time period determined by the commissioner. If the  
15 commissioner determines that the gravel pit is in compliance with the noxious  
16 weed laws of this state, the commissioner shall provide certification to this effect.
- 17 3. If the owner or lessee of a gravel pit receives certification under subsection 2 for  
18 two consecutive years, the agriculture commissioner may extend the certification  
19 on an annual basis, provided the commissioner conducts at least one inspection of  
20 the pit each year.
- 21 4. Any certification provided under this section expires on June thirtieth of the  
22 calendar year following the year in which the commissioner conducted the required  
23 inspections.

1           **Establishment of gravel pit - Initial inspection.** If a person intends to establish a  
2 gravel pit and obtain certification under section 1 of this Act during the first calendar year in  
3 which the pit is operational, the agriculture commissioner shall ensure that the initial inspection  
4 takes place before any excavation begins.

5           **Certification of forage - Compliance with other standards.**

- 6           1. To obtain certification that weeds prohibited according to the standards of the  
7 North American weed management association are not cut when producing viable  
8 seeds and included in baled forage, the owner of the forage shall request that the  
9 agriculture commissioner conduct a certification inspection.
- 10          2. Upon receiving the request, the agriculture commissioner shall:
- 11           a. Inspect the forage acreage within ten days before harvest to verify that weeds  
12 prohibited according to the standards of the North American weed  
13 management association are not present and producing viable seeds; and
- 14           b. (1) Ascertain that the scheduled harvest has occurred;  
15           (2) Determine the number of bales for which certification tags must be  
16 issued; and  
17           (3) Verify that the baled forage is stored or will be stored only in an area  
18 where weeds prohibited according to the standards of the North  
19 American weed management association are not present and  
20 producing viable seeds.
- 21          3. If the agriculture commissioner determines that the conditions of subsection 2 have  
22 been met, the commissioner shall issue and affix or cause to be affixed on each  
23 bale of forage one dated certification tag.

24           **Agents of the commissioner - Designation - Training.** The agriculture commissioner  
25 may designate individuals to serve as agents of the commissioner for the purpose of conducting  
26 the inspections permitted by this Act. To be designated as an agent, an individual must:

- 27           1. Be a weed control officer;  
28           2. Be a member of a county or a city weed board;  
29           3. Be determined by the commissioner to have a level of education and experience  
30 sufficient to accurately perform the requested certifications; or

1           4. At least once every thirty-six months, successfully complete a training program  
2                   conducted by the commissioner.

3           **Reciprocal recognition of certification.** The agriculture commissioner may contract  
4 with any governmental entity that is responsible for the certification of gravel pits and forage in  
5 another state or province and provide for the reciprocal recognition of such certifications.

6           **Fees - Continuing appropriation.** The agriculture commissioner may set and charge  
7 fees for certifying gravel pits and forage in accordance with sections 1 through 3 of this Act.  
8 The commissioner shall deposit moneys collected under this chapter in the environment and  
9 rangeland protection fund.

10           **SECTION 2. REPEAL.** Section 63-01.1-12.2 of the North Dakota Century Code is  
11 repealed.

12           **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.