Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009

HOUSE BILL NO. 1270
(Representatives Mueller, Boe, D. Johnson, Wall)
(Senators Dotzenrod, Wanzek)

AN ACT to create and enact a new chapter to title 4.1 of the North Dakota Century Code, relating to the certification of forage; to repeal section 63-01.1-12.2 of the North Dakota Century Code, relating to weed-free certification; to provide an appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Certification of forage - Compliance with other standards.

1. To obtain certification that weeds prohibited according to the standards of the North American weed management association are not cut when producing viable seeds and included in baled forage, the owner of the forage shall request that the agriculture commissioner conduct a certification inspection.

2. Upon receiving the request, the agriculture commissioner shall:

   a. Inspect the forage acreage within ten days before harvest to verify that weeds prohibited according to the standards of the North American weed management association are not present and producing viable seeds; and

   b. (1) Ascertain that the scheduled harvest has occurred;

      (2) Determine the number of bales for which certification tags must be issued; and

      (3) Verify that the baled forage is stored or will be stored only in an area where weeds prohibited according to the standards of the North American weed management association are not present and producing viable seeds.

3. If the agriculture commissioner determines that the conditions of subsection 2 have been met, the commissioner shall issue and affix or cause to be affixed on each bale of forage one dated certification tag.

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

1. Be a weed control officer;

2. Be a member of a county or a city weed board;

3. Be determined by the commissioner to have a level of education and experience sufficient to accurately perform the requested certifications; or

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

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

Fees - Continuing appropriation. The agriculture commissioner may set and charge fees for certifying forage in accordance with this chapter. The commissioner shall deposit moneys collected under this chapter in the environment and rangeland protection fund.

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

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

_____   _____
Speaker of the House   President of the Senate

_____   _____
Chief Clerk of the House   Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1270 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas   94   Nays   0   Absent   0

_____   _____
Speaker of the House   Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas   45   Nays   1   Absent   1

_____   _____
President of the Senate   Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

_____
Governor

Filed in this office this _____ day of _____, 2009,

at _____ o'clock _____ M.

_____
Secretary of State