

1 state, or transporting from place to place within this state, contrary to quarantine and transport
2 rules or regulations of the United States department of agriculture/animal, and plant, health
3 inspection service (APHIS) or the director of the department of environmental management
4 governing the Asian longhorned beetle or emerald ash borer, any regulated articles, as defined
5 below in section 2-17-23, shall be subject to a civil penalty not to exceed twenty-five thousand
6 dollars (\$25,000) for each offense, assessed in accordance with chapter 42-17.6 and the rules and
7 regulations promulgated pursuant thereto.

8 **2-17-23. Regulated articles.** -- (a) Regulated articles shall mean any of the following
9 raw wood materials taken or harvested from a quarantined area: any living, dead, standing, cut or
10 fallen tree, inclusive of nursery stock, or any piece or portion thereof measuring a half inch or
11 more in diameter, including any branches, logs, stumps, roots, or chips, firewood, or green
12 lumber. Kiln-dried lumber and manufactured or finished wooden products are not considered
13 regulated articles pursuant to section 2-17-22.

14 (b) Regulated articles shall also include any other article, regardless of its place of origin,
15 found to be infested by the Asian longhorned beetle or emerald ash borer if an authorized state or
16 federal inspector notifies the person in possession of the article that it is infested and therefore
17 subject to the quarantine and transport rules or regulations of APHIS or the director of the
18 department of environmental management.

19 (c) Regulated articles shall also include any other article designated as a regulated article
20 pursuant to any duly promulgated amendments to the quarantine and transport rules or regulations
21 of APHIS or the director of the department of environmental management.

22 **2-17-24. Prosecution of violations.** -- All state prosecutions under the provisions of
23 sections 2-17-21 through 2-17-23 shall be instituted by the director of the department of
24 environmental management, and shall be directed by him or her, and all penalties recovered for
25 the violation of any of the provisions of sections 2-17-21 through 2-17-23 shall be paid into the
26 treasury of the state.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO AGRICULTURE AND FORESTRY -- DISEASES AND PARASITES

- 1 This act would establish the Asian Longhorn Beetle as a nuisance. It would also establish
- 2 penalties for unlawful importation and transportation of said beetles.
- 3 This act would take effect upon passage.

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LC01210/SUB A
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