

**SENATE BILL NO. 2280**

Introduced by

Senators Klein, Erbele, Krauter

Representative Boe

1 A BILL for an Act to create and enact seventeen new sections to chapter 63-01.1 of the North  
2 Dakota Century Code, relating to the control of eradication of noxious weeds and pests; to  
3 amend and reenact subsection 1 of section 4-33-11, and sections 63-01.1-01, 63-01.1-02,  
4 63-01.1-03, 63-01.1-03.1, 63-01.1-04, 61-01.1-04.1, 61-03.1-05, 63-01.1-05.1, 63-01.1-06,  
5 63-01.1-08, 63-01.1-09, 63-01.1-10.1, 63-01.1-12, 63-01.1-12.1, 63-01.1-12.2, 63-01.1-13,  
6 63-01.1-14, and 63-01.1-15 of the North Dakota Century Code, relating to the control and  
7 eradication of noxious weeds and pests; and to repeal section 63-01.1-04.2 of the North Dakota  
8 Century Code, relating to pest control by county weed boards.

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

10 **SECTION 1. AMENDMENT.** Subsection 1 of section 4-33-11 of the North Dakota  
11 Century Code is amended and reenacted as follows:

12 1. The governing body of any political subdivision may appropriate money for the  
13 control of pests under this chapter or ~~section 63-01.1-04.2~~ chapter 63-01.1. If  
14 state funds are involved, the money must be expended according to control plans  
15 approved by the commissioner. The governing body of a political subdivision shall  
16 determine the portion, if any, of control program costs that should be paid by the  
17 political subdivision. Costs of the control program may be paid by moneys in the  
18 emergency fund. If the emergency fund is not sufficient to carry out the program,  
19 the governing body may expend money from the general fund and in this event the  
20 governing body, except the governing body of a park district, upon approval of sixty  
21 percent of those voting in any special election or the next regularly scheduled  
22 primary or general election, may levy a tax during the following year upon all  
23 taxable property in the political subdivision to fully reimburse the general fund for

1 the amount expended except that the levy may not exceed the limitation in  
2 subsection 1 of section 57-15-28.1.

3 **SECTION 2. AMENDMENT.** Section 63-01.1-01 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **63-01.1-01. Control and eradication of noxious weeds.** ~~It shall be the duty of every~~  
6 Every person in charge of or in possession of land in this state, whether as landowner, lessee,  
7 renter, or tenant, under statutory authority or otherwise, ~~to~~ shall control or eradicate or to  
8 ~~control the spread of~~ noxious weeds on those lands.

9 **SECTION 3. AMENDMENT.** Section 63-01.1-02 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **63-01.1-02. Definitions.** As used in this chapter:

12 1. "Board member area" means a geographical area within the county from which a  
13 member of the weed board is appointed.

14 2. "City weed control officer" means an individual designated by a city weed board to  
15 be responsible for the operation and enforcement of this chapter within the city.

16 3. "Commissioner" means the agriculture commissioner or the commissioner's  
17 designee.

18 ~~3.~~ 4. "Control" means to prevent the spread of any noxious weed, ~~designated by the~~  
19 ~~commissioner or other control authority,~~ by seed or any other propagating part or, ~~if~~  
20 ~~authorized,~~ to suppress, eradicate, ~~or prevent,~~ or retard the spread of a pest.

21 ~~4.~~ 5. "Control authority" means the commissioner, ~~the~~ a county weed board, and,  
22 ~~pursuant to the county weed board's authorization, the~~ a county weed control  
23 officer, a city weed board, or a city weed control officer.

24 ~~5.~~ "County weed board" means members of the board of each county as appointed  
25 ~~pursuant to section 63-01.1-04.~~

26 6. "County weed control officer" means ~~the person~~ an individual designated by the  
27 county weed board to be responsible for the operation and enforcement of this  
28 chapter within each county.

29 7. "Eradicate" ~~or "eradication"~~ means to destroy a plant or, ~~if authorized,~~ a pest so  
30 that it is not viable.

- 1           8.    "Highway, street, or road" means a public way for purposes of vehicular travel,  
2                    including the entire area within the right of way. A highway in a rural area may be  
3                    called a "road" and a highway in an urban area may be called a "street".
- 4           9.    "Landowner" means any owner of federal, state, municipal, or private land, under  
5                    statutory authority or otherwise. The term does not include a lessee, renter,  
6                    tenant, operator, or an owner of any easement or right of way.
- 7    9- 10.    "noxious weed" means ~~any~~ a plant propagated by either seed or vegetative parts  
8                    and which is determined by the commissioner after consulting with the North  
9                    Dakota state university extension service; or which is determined by a county  
10                   weed board after consulting with the county extension agent; to be injurious to  
11                   public health, crops, livestock, land, or other property.
- 12    ~~10-~~ 11.    "Operator" means the person ~~chiefly~~ responsible for the farming operations or  
13                   other operations being performed on the land, whether for self-benefit, or for the  
14                   benefit of the landowner or another.
- 15           ~~11-~~ "Person" ~~means any individual, partnership, firm, corporation, limited liability~~  
16                   ~~company, company, society, association, the state, or any department, agency, or~~  
17                   ~~subdivision thereof, or any other entity which occupies or owns land or which~~  
18                   ~~causes noxious weed seeds or propagating parts to be disseminated or~~  
19                   ~~transported in this state.~~
- 20           12.    "Pest" means any pest defined in section 4-33-01 and ~~includes~~ a prairie dog.
- 21           13.    "Township road" means a an improved public road that is an improved road, not  
22                   located in an incorporated city and not designated as part of a county, state, or  
23                   federal-aid road system, but constructed, maintained, graded, and drained by the  
24                   township, or county in the case of an unorganized township. A township road  
25                   includes a street in an unincorporated townsite ~~and~~; does not ~~necessarily~~ have to  
26                   be surfaced. ~~A; does not include a sodded road is not a township road. In order~~  
27                   ~~for; and includes~~ a section line ~~to be a township road it must be~~ if that section line  
28                   is graded and, drained, and be an improved a maintained road. A township road  
29                   ~~is a public road that is not designated as part of a county, state, or federal aid road~~  
30                   ~~system and is not located in an incorporated city.~~

1           **SECTION 4. AMENDMENT.** Section 63-01.1-03 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **63-01.1-03. State weed control authority - Agriculture commissioner - Powers and**  
4 **duties Duties.** The commissioner shall:

- 5           1. ~~The duty of enforcing~~ Enforce this chapter ~~and carrying out its provisions and~~  
6           intent is vested in the commissioner. ~~The commissioner shall cooperate;~~
- 7           2. Cooperate with other weed control authorities:-
- 8           ~~2.~~ The commissioner shall determine and law enforcement officers;
- 9           3. Determine which weeds are noxious ~~for the purposes of a state list of noxious~~  
10           weeds after consulting with the North Dakota state university extension service ~~and~~  
11           ~~shall compile;~~
- 12           4. Compile and keep ~~current~~ a list of noxious weeds:-
- 13           ~~3.~~ The commissioner shall outline;
- 14           5. Establish procedures; and prepare and supply ~~official~~ all notices, posters, ~~report~~  
15           forms, and other documents needed in carrying out this chapter. ~~The~~  
16           ~~commissioner shall supply these documents to weed control officers, county,~~  
17           ~~township, and city authorities, and others as needed to carry out an effective weed~~  
18           ~~control program or, if authorized, pest control program. The commissioner shall~~  
19           ~~prepare notices of;~~
- 20           6. Prepare all notices and posters including featuring the noxious weed list, rules,  
21           dates for controlling noxious weeds, and other compliance requirements, for  
22           printing in official newspapers or for posting at least annually:-
- 23           ~~4.~~ The commissioner shall cooperate with the county weed board, county weed  
24           ~~control officers, highway patrol officers, county sheriffs, and others in enforcing this~~  
25           ~~chapter. The commissioner shall also encourage;~~
- 26           7. Encourage the North Dakota state university extension service to disseminate  
27           information and to conduct educational campaigns with respect to the control and  
28           ~~eradication and control~~ of noxious weeds ~~or, if authorized, and~~ pests:-
- 29           ~~5.~~ The commissioner upon receiving a written complaint shall immediately refer the  
30           ~~complaint;~~

- 1           8. Forward all written complaints to the proper weed control ~~officer or control~~  
2           authority.
- 3           6. ~~The commissioner shall encourage the cooperation of agencies of both the federal~~  
4           ~~and state governments in furtherance of the purposes of this chapter.~~
- 5           7. ~~The commissioner may adopt rules to carry out the intent of this chapter.~~
- 6           8. ~~The commissioner may require operational or program reports from weed control~~  
7           ~~authorities or weed control officers regarding weed control progress and activity in~~  
8           ~~the state and, if authorized, pest control progress and activity in the state.;~~
- 9           9. ~~The commissioner shall call~~ Call an annual meeting of all weed control officers,  
10           either statewide or by areas, to review the intent, operation, procedures, and  
11           accomplishments under this chapter and ~~may also request the North Dakota state~~  
12           ~~university extension service or others to present educational information on weed~~  
13           ~~control practices or, if authorized, pest control practices. Weed control authority~~  
14           ~~members must be invited to attend meetings called pursuant to this subsection~~  
15           ~~invite all weed control authority members to attend; and~~
- 16          10. Encourage the cooperation of federal and state agencies in furthering this chapter.

17           **SECTION 5.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
18           created and enacted as follows:

19           **State weed control authority - Agriculture commissioner - Powers.** The  
20           commissioner may require operational reports and program reports from weed control  
21           authorities regarding both noxious weed control and pest control.

22           **SECTION 6. AMENDMENT.** Section 63-01.1-03.1 of the North Dakota Century Code  
23           is amended and reenacted as follows:

24           **63-01.1-03.1. County weed board - Jurisdiction.** ~~All land within the boundaries of~~  
25           ~~North Dakota, including all federal, state, private, and municipally owned lands, is included in~~  
26           ~~the county weed board's jurisdiction within the county in which the land is located. The~~  
27           ~~jurisdiction of each county weed board extends to all land within the county but does not include~~  
28           ~~any land within the corporate limits of a city if that city has its own noxious weed control~~  
29           ~~program under this chapter.~~

30           **SECTION 7. AMENDMENT.** Section 63-01.1-04 of the North Dakota Century Code is  
31           amended and reenacted as follows:

1           **63-01.1-04. County weed board as ~~control authority~~ - Members - Terms -**  
2    **Compensation.**

- 3           1. ~~The county weed board of each county is the control authority for that county.~~
- 4           2. ~~The Each board of county commissioners shall establish the number of members~~  
5           ~~of the board and shall establish~~ county weed board member areas. Each county  
6           weed board member area must be contiguous.
- 7           2. The board of county commissioners shall appoint a county weed board consisting  
8           of no fewer than five ~~or~~ nor more than seven members. Members shall serve for a  
9           term of four years or until their successors are appointed and qualified. The terms  
10          ~~of members~~ must be staggered so that ~~the terms of~~ no more than two ~~members~~  
11          expire each year. Any qualified elector residing in the board member area ~~subject~~  
12          ~~to taxation~~ is eligible to represent that area on the board. In each county  
13          encompassing a city with a population of five thousand or more, one board  
14          member must be appointed from within the city corporate limits of that city unless  
15          the city has established ~~a city~~ its own noxious weed control program pursuant to  
16          ~~section 63-01.1-10.1~~ under this chapter.
- 17          3. A board member shall assume office at the first regular meeting of the county weed  
18          board following that member's appointment.
- 19          4. The board of county commissioners shall remove a member of the county weed  
20          board for repeated unexcused ~~failure~~ failures to attend meetings ~~or,~~ for refusal ~~or~~  
21          ~~incapacity~~ to act as a board member. ~~When,~~ or for incapacity. If a vacancy occurs  
22          on a county weed board, the board of county commissioners, at its next regular  
23          meeting, shall appoint an individual, who possesses the necessary qualifications,  
24          ~~as a board member~~ to fill the unexpired term.
- 25          5. The county weed board shall elect from its members a chairman and a vice  
26          chairman, and shall appoint a secretary and a treasurer. The secretary and  
27          treasurer need not be members of the county weed board.
- 28          6. The board of county commissioners may set rates of compensation for board  
29          members. Board members are entitled to reimbursement for actual and necessary  
30          expenses and a mileage allowance at the rate established for state employees.

1           **SECTION 8. AMENDMENT.** Section 63-01.1-04.1 of the North Dakota Century Code  
2 is amended and reenacted as follows:

3           **63-01.1-04.1. ~~Powers and duties of county~~ County weed board - Duties.**

- 4           1. ~~The~~ Each county weed board shall designate a county weed control officer who  
5 shall cooperate with the board and be responsible for the operation and  
6 enforcement of this chapter within the ~~district~~ county. The county weed control  
7 officer may be a member of the county weed board ~~or may be any other interested~~  
8 ~~and able person. The same person.~~ An individual may serve as a county weed  
9 control officer for more than one county ~~weed board~~. Employment is for a tenure  
10 and at rates of compensation and reimbursement for travel expenses as the county  
11 weed board may prescribe and is without regard to any provisions of law relating to  
12 age or dual compensation. ~~The~~ A county weed board shall certify the designation  
13 of a county weed control officer to the commissioner.
- 14           2. ~~The county weed board may expend funds from those sources authorized in~~  
15 ~~section 63-01.1-06 for the purpose of controlling noxious weeds, in addition to any~~  
16 ~~other expenditures for control authorized by this chapter, when weeds have grown~~  
17 ~~on any public or private land and a control authority finds that the extent of the~~  
18 ~~weeds is so severe that their eradication would constitute an extreme financial~~  
19 ~~burden upon the person otherwise liable for the expense.~~
- 20           3. ~~The county weed board may develop and compile a county list of noxious weeds.~~  
21 ~~Any county list shall, at a minimum, contain those noxious weeds determined by~~  
22 ~~the commissioner. The commissioner may remove a county weed board noxious~~  
23 ~~weed determination from the county list after consulting with the board and the~~  
24 ~~North Dakota state university extension service.~~
- 25           4. ~~County weed boards~~ Each county weed board shall cooperate with all other control  
26 authorities.
- 27           5. ~~The~~
- 28           3. Each county weed board shall implement and pursue ~~an effective~~ a program for  
29 the control of noxious weeds ~~and, if authorized, pests.~~
- 30           6. ~~The~~

1           4. Each county weed board shall fix the time and place of regular meetings. ~~The~~  
2           Each board shall meet at least once each year ~~and the meeting is~~. All meetings  
3           are open to the public. ~~The~~ Each board shall keep minutes of ~~all its~~ meetings and  
4           a complete record of all official acts.

5           ~~7. The~~

6           5. Each county weed board shall ~~make~~ conduct at least one annual inspection to  
7           determine the progress of noxious weed control activities within the county ~~and, if~~  
8           ~~authorized, the progress of pest control activities within the county.~~

9           ~~8. The~~

10          6. Each county weed board shall control and disburse all moneys received by the  
11          county, for noxious weed control, from any source.

12          ~~9. The~~

13          7. Each county weed board shall ~~render~~ provide technical assistance to any city ~~with~~  
14          that has a population of three thousand or more and which establishes a its own  
15          noxious weed control program ~~as provided in section 63-01.1-10.1~~ under this  
16          chapter.

17          ~~10. The county weed board may authorize the county weed control officer in~~  
18          ~~cooperation with local law enforcement personnel to stop and inspect vehicles~~  
19          ~~suspected of transporting noxious weed infested materials.~~

20           **SECTION 9.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
21          created and enacted as follows:

22           **County weed board - Powers.** A county weed board may:

23           1. Authorize the county weed control officer to cooperate with local law enforcement  
24           personnel in stopping and inspecting vehicles suspected of transporting noxious  
25           weed-infested materials.

26           2. Expend funds from all available sources if a control authority determines that the  
27           extent of noxious weed infestation on certain land is so severe that eradication  
28           would place an extreme financial burden on the person otherwise liable for the  
29           expense.

30           **SECTION 10.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
31          created and enacted as follows:



1           **County weed board - Development of county weed list.** A county weed board may  
2 develop and compile its own list of noxious weeds, provided the list includes all weeds  
3 determined to be noxious by the commissioner. The commissioner, after consulting with the  
4 county weed board and the North Dakota state university extension service, may require that a  
5 county weed board remove a noxious weed from its list.

6           **SECTION 11. AMENDMENT.** Section 63-01.1-05 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **63-01.1-05. Duties of county weed control officer.** The county weed control officer  
9 shall:

- 10           1. Cooperate with ~~the county weed board, other~~ all weed control authorities and ~~weed~~  
11 ~~control officers, the~~ county extension agent, ~~county~~ agents, land users, the  
12 ~~commissioner, and others in furtherance of the provisions of~~ to further this chapter.
- 13           2. Become acquainted with the location of noxious weeds and, if authorized, pests on  
14 all land within the county.
- 15           3. ~~Through personal contact, by letter, telephone, or other means, encourage~~  
16 Encourage noxious weed and, if authorized, pest control or eradication by all  
17 landowners ~~or~~ and land occupants within the county.
- 18           4. Investigate all complaints regarding noxious weeds received by ~~the county weed~~  
19 ~~control officer, the county weed board, or the commissioner~~ any control authority.
- 20           5. Take ~~proper~~ enforcement action when necessary.
- 21           6. ~~Cause to be posted or inserted~~ Post or publish in official newspapers ~~those official~~  
22 any notices the commissioner may deem determines necessary ~~in the furtherance~~  
23 ~~of~~ to further noxious weed control or eradication under this chapter.
- 24           7. Prepare reports as requested by the commissioner.
- 25           8. Attend area or statewide meetings called by the commissioner ~~for the purpose of~~  
26 ~~assisting in the effective execution of~~ to further noxious weed control or eradication  
27 under this chapter.
- 28           9. ~~Serve as county seed inspector for the purposes of enforcing the laws and~~  
29 ~~regulations under the jurisdiction of the state seed department as directed by the~~  
30 ~~state seed commissioner.~~

1           **SECTION 12.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
2 created and enacted as follows:

3           **City weed board members - Terms - Compensation.**

- 4           1. If a city council elects to establish a noxious weed control program for the city, the  
5 council shall appoint a city weed board consisting of no fewer than five nor more  
6 than seven members. Members shall serve for a term of four years or until their  
7 successors are appointed and qualified. The terms must be staggered so that no  
8 more than two expire each year. Any qualified elector residing within the city is  
9 eligible to serve on the board.
- 10          2. A board member shall assume office at the first regular meeting of the city weed  
11 board following that member's appointment.
- 12          3. The city council shall remove a member of the city weed board for repeated  
13 unexcused failures to attend meetings, for refusal to act as a board member, or for  
14 incapacity. If a vacancy occurs on a city weed board, the city council, at its next  
15 regular meeting, shall appoint an individual who possesses the necessary  
16 qualifications to fill the unexpired term.
- 17          4. The city weed board shall elect from its members a chairman and a vice chairman  
18 and shall appoint a secretary and a treasurer. The secretary and treasurer need  
19 not be members of the city weed board.
- 20          5. The city council may set rates of compensation for city weed board members. City  
21 weed board members are entitled to reimbursement for actual and necessary  
22 expenses and a mileage allowance at the rate established for city employees.

23           **SECTION 13.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
24 created and enacted as follows:

25           **City weed board - Duties.**

- 26          1. Each city weed board shall designate a city weed control officer who shall  
27 cooperate with the board and be responsible for the operation and enforcement of  
28 this chapter within the city. The city weed control officer may be a member of the  
29 city weed board. An individual may serve as a city weed control officer for more  
30 than one city. Employment is for a tenure and at rates of compensation and  
31 reimbursement for travel expenses as the city weed board may prescribe and is

- 1           without regard to any provision of law relating to dual compensation. A city weed  
2           board shall certify the designation of a city weed control officer to the  
3           commissioner.
- 4           2. Each city weed board shall cooperate with all other control authorities.
- 5           3. Each city weed board shall implement and pursue an effective program for the  
6           control of noxious weeds.
- 7           4. Each city weed board shall fix the time and place of regular meetings. Each board  
8           shall meet at least once each year. All meetings are open to the public. Each  
9           board shall keep minutes of its meetings and a complete record of all official acts.
- 10          5. Each city weed board shall conduct at least one annual inspection to determine the  
11          progress of weed control activities within the city.
- 12          6. Each city weed board shall control and disburse all moneys received by the city  
13          from any source for noxious weed control.

14          **SECTION 14.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
15 created and enacted as follows:

16          **City weed board - Powers.** A city weed board may:

- 17          1. Authorize the city weed control officer to cooperate with local law enforcement  
18          personnel in stopping and inspecting vehicles suspected of transporting noxious  
19          weed-infested materials.
- 20          2. Expend funds from all available sources if a control authority determines that the  
21          extent of noxious weed infestation on certain land is so severe that eradication  
22          would place an extreme financial burden on the person otherwise liable for the  
23          expense.

24          **SECTION 15.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
25 created and enacted as follows:

26          **City weed board - Development of city weed list.** A city weed board may develop  
27 and compile its own list of noxious weeds, provided the list includes all weeds determined to be  
28 noxious by the commissioner. The commissioner, after consulting with the city weed board and  
29 the North Dakota state university extension service, may require that a city weed board remove  
30 a noxious weed from its list.

1           **SECTION 16.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
2 created and enacted as follows:

3           **Duties of city weed control officer.** The city weed control officer shall:

- 4           1. Cooperate with all weed control authorities, county extension agents, land users,  
5           and others to further this chapter.
- 6           2. Become acquainted with the location of noxious weeds on all land within the city.
- 7           3. Encourage noxious weed control or eradication by all landowners and land  
8           occupants within the city.
- 9           4. Investigate all complaints received by any control authority regarding noxious  
10           weeds within the city.
- 11           5. Take enforcement action when necessary.
- 12           6. Post or publish in the official newspaper of the city any notices the commissioner  
13           deems necessary to further noxious weed control or eradication under this chapter.
- 14           7. Prepare reports as requested by the commissioner.
- 15           8. Attend area or statewide meetings called by the commissioner to further noxious  
16           weed control or eradication under this chapter.

17           **SECTION 17. AMENDMENT.** Section 63-01.1-05.1 of the North Dakota Century Code  
18 is amended and reenacted as follows:

19           **63-01.1-05.1. Certification of county and city weed control officers - Extension**  
20 **service.**

- 21           1. The commissioner ~~shall adopt rules setting the requirements for certification~~  
22           ~~categories of county weed control officers~~, after consultation with the director of the  
23           agricultural experiment station and the director of the North Dakota state university  
24           extension service, or their ~~respective~~ designees, shall adopt rules governing  
25           certification categories for county and city weed control officers. ~~All designated~~  
26           Before assuming any duties, each county and city weed control ~~officers~~ officer  
27           must be certified pursuant to the under rules adopted by the commissioner ~~before~~  
28           assuming their duties.
- 29           2. The North Dakota state university extension service shall establish a program to  
30           provide educational instruction to ~~local~~ county and city weed control officers.

1           **SECTION 18. AMENDMENT.** Section 63-01.1-06 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **63-01.1-06. Funding of county programs.**

- 4           1.    a.    The board of county commissioners may pay expenses from the county  
5                general fund ~~in any one year in furtherance of~~ to further the county noxious  
6                weed control program under this chapter, including to provide noxious weed  
7                control or eradication along public highways in the county.
- 8            b.    The county weed board may certify annually to the board of county  
9                commissioners a tax, not to exceed two mills on the taxable valuation of all  
10              taxable property in the county, to carry out this chapter. ~~In addition, the~~  
11              ~~county weed board, with the approval of a majority vote of the~~
- 12            c.    The board of county commissioners; by majority vote may certify up to two  
13              additional mills on the taxable valuation of all taxable property in the county:  
14              ~~If a county assesses more than three mills, at least one mill must be~~  
15              ~~dedicated to leafy spurge control. However, the tax may not be levied on,~~  
16              except property within the corporate limits of a city that establishes a program  
17              ~~under section 63-01.1-10.4~~ this chapter.
- 18            d.    The board of county commissioners shall levy the tax.
- 19            e.    The county treasurer shall hold all taxes levied and collected in a separate  
20              ~~funds to be fund~~ known as the noxious weed control or eradication fund and  
21              ~~the leafy spurge fund, which shall be used to carry out this chapter. The levy~~  
22              ~~shall be made to cover the salary.~~ Moneys in the fund must be used to pay  
23              the salaries and expenses of the county weed board; and the county weed  
24              control officer, the ~~expense~~ expenses of noxious weed control or eradication  
25              along public highways in the county, and any other expenses incurred in the  
26              operation of ~~an effective~~ a county noxious weed control or eradication  
27              program ~~in the county~~. The tax may be levied in excess of the mill levy limit  
28              prescribed by law for general purposes.
- 29            2.    The commissioner shall allocate the ~~funds~~ county share of any legislative  
30              appropriation for noxious weed control or eradication to the county weed boards  
31              ~~and cities which establish a program under section 63-01.1-10.4~~ pursuant to a

1 formula adopted by the commissioner, after consultation with county weed boards.  
2 ~~Landowners shall contribute a minimum of twenty percent of the cost of noxious~~  
3 ~~weed control on their land. No~~ A county weed board ~~or city~~ may not receive an  
4 amount in excess of more than one-half of the board's ~~or city's~~ actual expenditures  
5 for noxious weed control or eradication from any legislative appropriation, unless  
6 the appropriation ~~provides assistance in noxious weed control to a board or city~~  
7 ~~under subsection 3.~~

8 ~~3.~~ If a county weed board determines a weed is seriously endangering areas of a  
9 county or the state, assistance in control may be provided by legislative  
10 appropriation. ~~The commissioner shall allocate the appropriation accordingly, and~~  
11 ~~the commissioner and each affected county weed board and city which establishes~~  
12 ~~a program under section 63-01.1-10.1 shall be responsible for ensuring that the~~  
13 ~~funds are properly expended~~ specifically provides for a higher percentage.

14 ~~4.~~ To be eligible to receive state cost-share ~~funds~~ dollars a county ~~shall~~ must levy a  
15 ~~minimum of~~ at least three mills for noxious weed ~~or leafy spurge control or~~  
16 ~~eradication.~~ The request for ~~allocated funds pursuant to subsections 2 and 3~~  
17 ~~cost-share dollars~~ must be initiated by ~~the~~ a county weed board ~~or city which~~  
18 ~~establishes a program under section 63-01.1-10.1~~ by submitting a voucher and  
19 documentation. Upon approval of the voucher and documentation by the  
20 commissioner, the office of management and budget shall make the payment out  
21 of funds appropriated for the control or eradication of noxious weeds.

22 **SECTION 19.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
23 created and enacted as follows:

24 **Funding of city programs.**

- 25 1. a. The city council may pay expenses from the city general fund to further the  
26 city's noxious weed control program under this chapter, including to provide  
27 noxious weed control along public highways in the city.  
28 b. The city weed board may certify annually to the city council a tax, not to  
29 exceed two mills on the taxable valuation of all taxable property in the city, to  
30 further its noxious weed control program under this chapter.

- 1           c. The city council may by majority vote certify up to two additional mills on the  
2           taxable valuation of all taxable property in the city to further its noxious weed  
3           control program under this chapter.
- 4           d. The city council shall levy the tax.
- 5           e. The city treasurer shall hold all taxes levied and collected under this section in  
6           a separate fund known as the noxious weed control or eradication fund.  
7           Money in the fund must be used to pay the salaries and expenses of the city  
8           weed board and the city weed control officer, the expenses of noxious weed  
9           control along public highways in the city, and any other expenses incurred in  
10          the operation of a city noxious weed control program. The tax may be levied  
11          in excess of the mill levy limit prescribed by law for general purposes.
- 12          2. The commissioner shall allocate any legislative appropriation for noxious weed  
13          control or eradication to the city weed boards, pursuant to a formula adopted by the  
14          commissioner, after consultation with city weed boards. A city weed board may not  
15          receive more than one-half of the city's actual expenditures for noxious weed  
16          control or eradication from any legislative appropriation, unless the appropriation  
17          specifically provides for a higher percentage.
- 18          3. To be eligible to receive state cost-share dollars, a city must levy at least three  
19          mills for noxious weed control or eradication. The request for cost-share dollars  
20          must be initiated by a city weed board by submitting a voucher and documentation  
21          to the commissioner. Upon approval of the voucher and documentation by the  
22          commissioner, the office of management and budget shall make the payment out  
23          of funds appropriated for the control or eradication of noxious weeds.

24           **SECTION 20. AMENDMENT.** Section 63-01.1-08 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26           **63-01.1-08. Entry upon land for noxious weed control or eradication purposes -**  
27 **Notices - Landowner rights - Remedial requirements - Liens - Penalty.**

- 28           1. Any control authority ~~and anyone authorized thereby,~~ or its agent may enter upon  
29           all land ~~under their~~ within its jurisdiction for the purpose of performing their  
30           perform duties and ~~exercising their~~ to exercise powers under this chapter,  
31           including the taking of specimens of weeds ~~or, if authorized,~~ pests or other

1 materials, without the consent of the landowner, lessee, renter, tenant, or operator,  
2 and without being subject to any action for trespass or damages, including  
3 damages for destruction of growing crops, if reasonable care is exercised.

4 2. If any land within a city that has a noxious weed control or eradication program is  
5 found to be infested with noxious weeds by any control authority, the city weed  
6 control officer may serve upon the landowner written notice either personally or by  
7 certified mail, requiring the landowner to control or eradicate the noxious weeds  
8 within the time period prescribed by the city weed control officer. The landowner  
9 may request additional time from the city weed board. The notice must state that  
10 the landowner may be subject to the penalties provided in section 63-01.1-15 if the  
11 landowner fails to comply. The notice must specify minimal remedial requirements.  
12 A copy of the notice may be sent by certified mail to any tenant, lessee, or operator  
13 of the land. If the city weed board will control the noxious weeds upon failure of the  
14 landowner to do so, the notice must include a statement of costs. If the landowner  
15 does not control or eradicate the noxious weeds within the time specified, the city  
16 weed control officer may cause the noxious weeds to be controlled or eradicated  
17 and the expenses charged against the land of the landowner. These expenses are  
18 part of the taxes to be levied against the land for the ensuing year and must be  
19 collected in the same manner as other real estate taxes. If the city weed board  
20 intends to control or eradicate the noxious weeds, the notice must include a  
21 statement informing the landowner that the landowner may request that the city  
22 weed board not control or eradicate the noxious weeds. If the landowner requests  
23 that the city weed board not control or eradicate the noxious weeds, the board may  
24 not control or eradicate the noxious weeds until control is authorized by a majority  
25 vote of the city council.

26 3. If any other land is found to be infested with noxious weeds ~~or, if authorized, pests~~  
27 by any control authority, the county weed control officer may serve upon the  
28 landowner written notice either personally or by certified mail, requiring the  
29 landowner to control or eradicate the noxious weeds ~~or, if authorized, pests~~ within  
30 the time period prescribed by the county weed control officer. ~~If the landowner~~  
31 ~~resides in another state, the landowner shall control or eradicate the noxious~~



1 ~~weeds or, if authorized, pests within the time period prescribed by the county weed~~  
2 ~~control officer. Additional time may be requested~~ The landowner may request  
3 additional time from the county weed board. The notice must ~~specify~~ state that the  
4 landowner may be subject to the penalties provided in section 63-01.1-15 if the  
5 landowner fails to comply. The notice must specify minimal remedial requirements.  
6 A copy of the notice may be sent by certified mail to any tenant, lessee, or operator  
7 of the land. If the county weed board will control or eradicate the weeds ~~or, if~~  
8 ~~authorized, pests~~ upon failure of the landowner to control or eradicate the weeds  
9 ~~or, if authorized, pests~~, the notice must ~~also~~ include a statement of costs. If the  
10 landowner does not control or eradicate the noxious weeds ~~or, if authorized, pests~~  
11 within the time specified ~~time~~, the county weed control officer may cause the  
12 noxious weeds ~~or, if authorized, pests~~ to be controlled or eradicated and the  
13 expenses charged against the land of the landowner. These expenses are part of  
14 the taxes to be levied against the land for the ensuing year and must be collected  
15 in the same manner as other real estate taxes. If the county weed board intends to  
16 control or eradicate the noxious weeds ~~or, if authorized, pests~~, the notice must  
17 include a statement informing the landowner that the landowner may request that  
18 the county weed board not ~~to~~ control or eradicate the noxious weeds ~~or, if~~  
19 ~~authorized, pests~~. If the landowner requests that the county weed board not ~~to~~  
20 control or eradicate the noxious weeds ~~or, if authorized, pests~~, the board may not  
21 control or eradicate the noxious weeds ~~or, if authorized, pests~~ until control or  
22 eradication is authorized by a majority vote of the board ~~control is authorized~~.

23 **SECTION 21. AMENDMENT.** Section 63-01.1-09 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **63-01.1-09. County weed board to control or eradicate noxious weeds and pests**  
26 **along county and township highways.** The county weed board shall control or eradicate ~~or~~  
27 ~~control~~ noxious weeds ~~or, for purposes of section 63-01.1-04.2, pests as defined in this chapter~~  
28 along county and township highways within the county and the expense incurred for noxious  
29 weed control or eradication must be paid from funds as provided in section 63-01.1-06.

30 **SECTION 22. AMENDMENT.** Section 63-01.1-10.1 of the North Dakota Century Code  
31 is amended and reenacted as follows:

1           **63-01.1-10.1. ~~Cities to control~~ Control of noxious weeds within cities.**

2           4. The governing body of any city, ~~with~~ having a population of three thousand or  
3           more; may act as a control authority; and may establish and administer a program  
4           for the control or eradication of noxious weeds within the jurisdictional limits of the  
5           city. If a program is not established, the county weed board shall administer a  
6           program for the city.

7           ~~2. The governing body of any city with a population of three thousand or more may~~  
8           ~~levy a tax, not to exceed two mills on the taxable valuation of property within the~~  
9           ~~corporate limits of the city, to establish and administer the program.~~

10          ~~3. Moneys received by the cities from the levy may be used in any phase of weed~~  
11          ~~control as determined by the governing body of the city. The control program shall~~  
12          ~~include work on weeds included on any county or state noxious weed list.~~

13          ~~4. The governing body of a city which establishes a control program may petition the~~  
14          ~~agriculture commissioner for special assistance in funding authorized by section~~  
15          ~~63-01.1-06.~~

16          ~~5. The governing body of any city may act in conjunction with any other control~~  
17          ~~authority or officer also required to act under this chapter.~~

18           **SECTION 23. AMENDMENT.** Section 63-01.1-12 of the North Dakota Century Code is  
19   amended and reenacted as follows:

20           **63-01.1-12. Preventing dissemination of noxious weeds.**

21          1. To prevent the dissemination of noxious weeds by machinery, trucks, harvesting,  
22          or other farm equipment, ~~or~~ and to prevent the dissemination of noxious weeds  
23          during transportation of plants, forage, screenings, dirt, and other articles ~~which~~  
24          ~~may be transported by any means, the commissioner shall, from time to time,~~  
25          publish a list of the possible methods ~~of disseminating the~~ by which noxious weeds  
26          or their propagating parts of such weeds can be disseminated.

27          2. All operators of tillage, seeding, and harvesting equipment shall ~~be required to~~  
28          clean ~~such~~ their equipment to prevent the spread of noxious weeds by seed or  
29          other propagating parts prior to moving ~~such~~ their equipment on public highways,  
30          airways, waterways, or by any other means of conveyance, public or otherwise.  
31          Trucks or trailers transporting grain screenings shall must be constructed and

1 covered ~~so as~~ to prevent noxious weed seed dissemination. Scattering and  
2 dumping on land or in water ~~of~~ any material containing noxious weed seeds or  
3 propagating parts is prohibited unless ~~such~~ the material has been processed or  
4 treated, or unless it is buried sufficiently deep ~~deeply enough~~ to destroy the seeds  
5 and other propagating parts.

6 **SECTION 24. AMENDMENT.** Section 63-01.1-12.1 of the North Dakota Century Code  
7 is amended and reenacted as follows:

8 **63-01.1-12.1. Quarantine period - Materials or farm products and area defined.**

- 9 1. ~~Whenever the commissioner, the county weed board, or anyone authorized~~  
10 ~~thereby finds any~~ If a control authority determines that an area of the state to be is  
11 infested with noxious weeds; and ~~it is established that~~ if materials or farm products  
12 from that area are liable to spread noxious weeds into other areas to the injury of  
13 others, the commissioner shall, ~~without unnecessary delay,~~ declare a quarantine  
14 against the area to prevent the transfer of materials or farm products from the  
15 quarantined area. ~~When it is ascertained that~~ If noxious weeds are likely to be  
16 introduced into this state by the importation of materials or farm products, the  
17 commissioner shall declare a quarantine against the importation of those materials  
18 or farm products.
- 19 2. The commissioner shall declare an individual county quarantine when requested  
20 by resolution adopted by a two-thirds majority of the county weed board of the  
21 county in which the quarantine is to be declared.
- 22 3. For the purposes of this section, ~~"area":~~  
23 a. "Area" means a geographical section of land ~~as~~ identified by the  
24 commissioner, ~~which and~~ and may include cities and counties or any portion of a  
25 city or county; ~~"farm products":~~  
26 b. "Farm products" means ~~all~~ crops, crop products, plants or portions ~~thereof,~~  
27 ~~but shall not mean~~ of plants, but does not include livestock; ~~and "materials":~~  
28 c. "Materials" means gravel or other substances that can be transported over a  
29 state highway.

30 **SECTION 25. AMENDMENT.** Section 63-01.1-12.2 of the North Dakota Century Code  
31 is amended and reenacted as follows:

1           **63-01.1-12.2. Noxious weed certification - Gravel and sand pits and hay land.**

- 2           1. The commissioner, after ~~consultation~~ consulting with the North Dakota state  
3           university extension service, may adopt rules for certifying that gravel, scoria, or  
4           sand surface mining operations and land producing hay for sale or for resale are  
5           not contaminated with noxious weeds. The rules must identify the extent noxious  
6           weeds are allowed with certification.
- 7           2. The county weed board, after ~~consultation~~ consulting with the North Dakota state  
8           university extension service, may certify gravel, scoria, or sand surface mining  
9           operations and land producing hay for sale or for resale as not contaminated with  
10          noxious weeds.
- 11          3. The commissioner shall adopt a schedule of fees that county weed boards and the  
12          North Dakota state university extension service may charge for inspecting, testing,  
13          analyzing, and certifying gravel, scoria, or sand surface mining operations and hay  
14          land.
- 15          4. Certification of gravel, scoria, ~~or~~ sand surface mining operations, or hay land is not  
16          a warranty of any kind as to the quality of the gravel, sand, or hay produced from  
17          an inspected and certified location. The only representation made is that land from  
18          which sand and gravel is surface mined or land producing hay for sale or resale  
19          has been inspected for noxious weed contamination ~~by noxious weeds~~ under rules  
20          adopted by the commissioner.

21           **SECTION 26. AMENDMENT.** Section 63-01.1-13 of the North Dakota Century Code is  
22   amended and reenacted as follows:

23           **63-01.1-13. Publicly owned land - ~~Weed and pest~~ Noxious weed control or**  
24   **eradication.**

- 25          1. The commissioner shall attempt to arrange a ~~satisfactory~~ noxious weed ~~and pest~~  
26          ~~eradication or control~~ or eradication program with all state and federal agencies  
27          owning, controlling, or having jurisdiction over land within the state. ~~Weed~~
- 28          2. County weed control officers shall attempt to arrange a ~~satisfactory~~ noxious weed  
29          ~~or, if authorized, pest eradication or control~~ or eradication program with ~~cities, park~~  
30          ~~boards, cemeteries, school boards, counties, and other local entities~~ political

- 1            subdivisions owning or controlling public land within ~~the control authority~~ each  
2            weed control officer's jurisdiction.
- 3            3. State agencies ~~controlling or having jurisdiction over lands within the state~~ shall  
4            provide for ~~eradication or~~ the control or eradication of noxious weeds ~~and pests~~ on  
5            ~~such any~~ lands. ~~Upon failure of~~ within their jurisdiction. If a state agency fails to  
6            adequately control or eradicate noxious weeds ~~or, if authorized, pests~~ on land  
7            under its ~~control~~ jurisdiction, the ~~county~~ weed board for the county in which all or a  
8            portion of the land is located, upon approval of the commissioner, may enter upon  
9            the land to control or eradicate the noxious weeds ~~and, if authorized, pests~~. The  
10           state agency shall reimburse the county weed board for expenses incurred in the  
11           control or eradication of the noxious weeds ~~or, if authorized, pests pursuant to this~~  
12           ~~section~~ within thirty days after the agency receives the bill.
- 13           2. 4. A federal agency shall develop a management ~~program~~ plan for controlling or  
14           eradicating noxious weeds ~~or, if authorized, pests~~ on land ~~the agency controls or~~  
15           ~~over which the agency has~~ under the agency's jurisdiction. If a federal agency  
16           does not control or ~~set up a management program to the satisfaction of the weed~~  
17           ~~control authority, the~~ eradicate the noxious weeds and does not develop a  
18           management plan for controlling or eradicating the noxious weeds, the county  
19           weed control office shall notify the agency as provided in section 63-01.1-08. The  
20           federal agency shall provide a report to the ~~commissioner and the county weed~~  
21           control authorities ~~describing~~ detailing the methods used by the federal agency  
22           and showing cause why the federal agency is not controlling or eradicating the  
23           noxious weeds ~~or, if authorized, pests~~. The commissioner may specify the forms  
24           on which the federal agency report must be submitted.
- 25           3. 5. Upon being notified by a county weed board of the federal agency's failure to  
26           control or eradicate noxious weeds ~~or, if authorized, pests~~, the commissioner may  
27           hold a public hearing ~~under such conditions and terms as the commissioner~~  
28           ~~determines advisable, to determine the reason for the failure or refusal.~~

29            **SECTION 27. AMENDMENT.** Section 63-01.1-14 of the North Dakota Century Code is  
30            amended and reenacted as follows:

1           **63-01.1-14. ~~Weed Noxious weed control enforcement responsibilities of other~~**  
2 **agencies.** The state highway patrol, county sheriffs, and the truck regulatory division ~~shall,~~  
3 when requested to do so by a ~~local weed control officer or a~~ weed control authority, shall  
4 cooperate with ~~local weed control officers and the commissioner,~~ a weed control authority and  
5 ~~shall have the authority to~~ may enforce subsection 2 of section 63-01.1-12 ~~where~~ if machinery,  
6 commodities, or articles ~~are~~ being moved on state and federal highways or on county or  
7 township roads ~~and may be~~ are contributing to the dissemination of noxious weeds.

8           **SECTION 28.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
9 created and enacted as follows:

10           **County weed board - Pest control - Authorization.** The board of county  
11 commissioners, in consultation with the county weed board, may authorize the county weed  
12 board to control or eradicate pests.

13           1. A county weed board that has been authorized to control or eradicate pests under  
14 this section shall:

15           a. Implement and pursue an effective program for the control or eradication of  
16 pests; and

17           b. Conduct at least one annual inspection to determine the progress of pest  
18 control or eradication activities within the county.

19           2. A county weed board that has been authorized to control or eradicate pests under  
20 this section may:

21           a. Expend funds made available from state or federal sources for pest control or  
22 eradication purposes; and

23           b. Direct the county weed control officer to encourage landowners and  
24 occupants in the county to control or eradicate pests.

25           **SECTION 29.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
26 created and enacted as follows:

27           **County weed control officer - Pest control or eradication.** If a county weed board is  
28 authorized to control or eradicate pests, the county weed control officer shall:

29           1. Cooperate with all control authorities, county extension agents, land users, and  
30 others to further pest control or eradication under this chapter.

31           2. Become acquainted with the location of pests on all land within the county.

- 1           3. Encourage pest control or eradication by all landowners and land occupants within
- 2           the county.
- 3           4. Investigate all complaints regarding pests received by any control authority.
- 4           5. Take enforcement action when necessary.
- 5           6. Post or publish in official newspapers any notices the commissioner determines
- 6           necessary to further pest control or eradication under this chapter.
- 7           7. Prepare reports as requested by the commissioner.
- 8           8. Attend area or statewide meetings called by the commissioner to further pest
- 9           control or eradication under this chapter.

10           **SECTION 30.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
11 created and enacted as follows:

12           **County weed board - Pest control or eradication - Entry upon land.**

- 13           1. Any control authority or its agent may enter upon land within its jurisdiction to
- 14           perform duties and to exercise powers under this chapter related to the control or
- 15           eradication of pests, without the consent of the landowner, lessee, renter, tenant,
- 16           or operator, and without being subject to any action for trespass or damages,
- 17           including damages for destruction of growing crops, if reasonable care is
- 18           exercised.
- 19           2. If a control authority finds that land is infested with pests, the control authority may
- 20           direct the county weed control officer to serve the landowner, either personally or
- 21           by certified mail, with written notice requiring the landowner to control or eradicate
- 22           the pests within a prescribed time period. The landowner may request additional
- 23           time from the county weed board. The notice must state that the landowner may
- 24           be subject to the penalties provided in section 63-01.1-15 if the landowner fails to
- 25           comply. The notice must specify minimal remedial requirements. A copy of the
- 26           notice may be sent by certified mail to any tenant, lessee, or operator of the land.
- 27           If the county weed board will control or eradicate the pests upon failure of the
- 28           landowner to do so, the notice must include a statement of costs. If the landowner
- 29           does not control or eradicate the pests within the time specified, the county weed
- 30           control officer may cause the pests to be controlled or eradicated and the
- 31           expenses charged against the land. These expenses are part of the taxes to be

1           levied against the land for the ensuing year and must be collected in the same  
2           manner as other real estate taxes. If the county weed board intends to control or  
3           eradicate the pests, the notice must include a statement informing the landowner  
4           that the landowner may request that the county weed board not control or  
5           eradicate the pests. If the landowner requests that the county weed board not  
6           control or eradicate the pests, the board may not control or eradicate the pests until  
7           the county weed board, by a majority vote, authorizes the control or eradication.

8           **SECTION 31.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
9 created and enacted as follows:

10           **County weed board - Pest control or eradication - Highways.** The county weed  
11 board shall control or eradicate pests along county and township highways within the county  
12 and any expenses incurred in the control or eradication must be paid from funds as provided in  
13 section 63-01.1-06.

14           **SECTION 32.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
15 created and enacted as follows:

16           **City weed board - Pest control - Authorization.** A city council, in consultation with  
17 the city weed board, may authorize the city weed board to control or eradicate pests.

18           1. A city weed board that has been authorized to control or eradicate pests under this  
19 section shall:

20           a. Implement and pursue an effective program for the control or eradication of  
21 pests; and

22           b. Conduct at least one annual inspection to determine the progress of pest  
23 control or eradication activities within the city.

24           2. A city weed board that has been authorized to control or eradicate pests under this  
25 section may:

26           a. Expend funds made available from state or federal sources for pest control or  
27 eradication purposes; and

28           b. Direct the city weed control officer to encourage landowners and occupants in  
29 the city to control or eradicate pests.

30           **SECTION 33.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
31 created and enacted as follows:



1           **City weed control officer - Pest control or eradication.** If a city weed board is  
2 authorized to control or eradicate pests, the city weed control officer shall:

- 3           1. Cooperate with all control authorities, county extension agents, land users, and  
4           others to further pest control or eradication under this chapter.
- 5           2. Become acquainted with the location of pests on all land within the city.
- 6           3. Encourage pest control or eradication by all landowners and land occupants within  
7           the city.
- 8           4. Investigate all complaints regarding pests received by any control authority.
- 9           5. Take enforcement action when necessary.
- 10          6. Post or publish in the official newspaper of the city any notices the commissioner  
11          determines necessary to further pest control or eradication under this chapter.
- 12          7. Prepare reports as requested by the commissioner.
- 13          8. Attend area or statewide meetings called by the commissioner to further pest  
14          control or eradication under this chapter.

15           **SECTION 34.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
16 created and enacted as follows:

17           **City weed board - Pest control or eradication - Entry upon land.**

- 18          1. Any control authority or its agent may enter upon land within its jurisdiction to  
19          perform duties and to exercise powers under this chapter related to the control or  
20          eradication of pests, without the consent of the landowner, lessee, renter, tenant,  
21          or operator, and without being subject to any action for trespass or damages,  
22          including damages for destruction of growing crops, if reasonable care is  
23          exercised.
- 24          2. If a control authority finds that land within a city is infested with pests, the control  
25          authority may direct the city weed control officer to serve the landowner, either  
26          personally or by certified mail, with written notice requiring the landowner to control  
27          or eradicate the pests within a prescribed time period. The landowner may request  
28          additional time from the city weed board. The notice must state that the landowner  
29          may be subject to the penalties provided in section 63-01.1-15 if the landowner  
30          fails to comply. The notice must specify minimal remedial requirements. A copy of  
31          the notice may be sent by certified mail to any tenant, lessee, or operator of the

1           land. If the city weed board will control or eradicate the pests upon failure of the  
2           landowner to do so, the notice must include a statement of costs. If the landowner  
3           does not control or eradicate the pests within the time specified, the city weed  
4           control officer may cause the pests to be controlled or eradicated and the  
5           expenses charged against the land. These expenses are part of the taxes to be  
6           levied against the land for the ensuing year and must be collected in the same  
7           manner as other real estate taxes. If the city weed board intends to control or  
8           eradicate the pests, the notice must include a statement informing the landowner  
9           that the landowner may request that the city weed board not control or eradicate  
10           the pests. If the landowner requests that the city weed board not control or  
11           eradicate the pests, the board may not control or eradicate the pests until the city  
12           weed board, by a majority vote, authorizes the control or eradication.

13           **SECTION 35.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
14 created and enacted as follows:

15           **Publicly owned land - Pest control or eradication.**

- 16           1. The commissioner shall attempt to arrange a pest control or eradication program  
17           with all state and federal agencies owning, controlling, or having jurisdiction over  
18           land within the state.
- 19           2. Except as provided in subsection 3, a county weed control officer shall attempt to  
20           arrange a pest control or eradication program with all political subdivisions owning  
21           or controlling public land within the county weed control officer's jurisdiction.
- 22           3. If a city has a pest control or eradication program, the city weed control officer shall  
23           attempt to arrange a pest control or eradication program with all political  
24           subdivisions owning or controlling public land within the corporate limits of the city.
- 25           4. Each state agency shall provide for the control or eradication of pests on any land  
26           within the agency's jurisdiction. If a state agency fails to control or eradicate pests  
27           on land under its jurisdiction, the county weed board for the county in which all or a  
28           portion of the land is located, upon approval of the commissioner, may enter upon  
29           the land to control or eradicate the pests. The state agency shall reimburse the  
30           county weed board for expenses incurred in the control or eradication of pests  
31           within thirty days after the agency receives the bill.

- 1           5. Each federal agency shall develop a management plan for controlling or  
2           eradicating pests on land within the agency's jurisdiction. If a federal agency does  
3           not control or eradicate pests and does not develop a management plan for  
4           controlling or eradicating pests, the county weed control officer shall notify the  
5           agency as provided in section 63-01.1-08. The federal agency shall provide a  
6           report to the control authority detailing the methods used by the federal agency and  
7           showing cause why the federal agency is not controlling or eradicating the pests.  
8           The commissioner may specify the forms on which the federal agency report must  
9           be submitted.
- 10          6. Upon being notified by a county weed board of a federal agency's failure to control  
11          or eradicate pests, the commissioner may hold a public hearing to determine the  
12          reason for the agency's failure.

13           **SECTION 36. AMENDMENT.** Section 63-01.1-15 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15           **63-01.1-15. Penalties.**

- 16           1. A custom or commercial operator of tillage, seeding, and harvesting equipment  
17           who violates subsection 2 of section 63-01.1-12 is guilty of a class B misdemeanor.  
18           A control authority may institute necessary criminal actions under this subsection.
- 19           2. Persons failing to comply with the rules and notice provisions of this chapter are  
20           subject to a civil penalty not to exceed fifty dollars per day for each day of violation,  
21           subject to a maximum penalty of two thousand five hundred dollars per year. The  
22           accumulated penalties under this section are a lien against the property of the  
23           landowner from the day the notice is delivered to the landowner under section  
24           63-01.1-08.
- 25           3. a. All penalties collected pursuant to this section must be deposited with the  
26           treasurer of the political subdivision and credited to the weed control and  
27           eradication fund in the political subdivision in which the penalty originated.
- 28           **Penalties**
- 29           b. All penalties collected pursuant to this section for failure or refusal to ~~perform~~  
30           ~~remedial requirements for the control of~~ or eradicate pests ~~on an infested~~  
31           area must be credited to the weed control and eradication fund in the political

1 subdivision in which the penalty originated but dedicated for use ~~by the county~~  
2 ~~weed board to~~ in the control or eradication of pests. The penalty may be  
3 adjudicated by ~~the courts~~ a court or by ~~the~~ a county or a city weed board after  
4 a hearing.

5 4. An aggrieved landowner may appeal the imposition of a penalty by ~~the~~ a county  
6 weed board to the board of county commissioners and may appeal the imposition  
7 of a penalty by a city weed board to the city council.

8 **SECTION 37. REPEAL.** Section 63-01.1-04.2 of the North Dakota Century Code is  
9 repealed.