

Fifty-ninth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2280

Introduced by

Senators Klein, Erbele, Krauter

Representative Boe

1 A BILL for an Act to create and enact eighteen 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  
21 sixty 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,  
20           if 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  40- 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           41.    ~~"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  
11           and 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  
28          include 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 five or seven members. Members shall serve for a term of four years or until  
9           their successors are appointed and qualified. The terms ~~of members~~ must be  
10          staggered so that ~~the terms of~~ no more than two ~~members~~ expire each year. Any  
11          qualified elector residing in the board member area ~~subject to taxation~~ is eligible to  
12          represent that area on the board. In each county encompassing a city with a  
13          population of five thousand or more, one board member must be appointed from  
14          within the ~~city~~ corporate limits of that city unless the city has established ~~a city its~~  
15          own noxious weed control program ~~pursuant to section 63-01.1-10.1 under this~~  
16          chapter.
- 17          3. A board member shall assume office at the first regular meeting of the county  
18          weed 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 weed control  
9 officer for more than one ~~county~~ weed board. Employment is for a tenure and at  
10 rates of compensation and reimbursement for travel expenses as the county weed  
11 board may prescribe and is without regard to any provisions of law relating to age  
12 or dual compensation. ~~The~~ A county weed board shall certify the designation of a  
13 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           3. Employ additional personnel to assist with noxious weed control and eradication  
31           efforts.



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

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

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

10          **63-01.1-05. Duties of county weed control officer.** The county weed control officer  
11 shall:

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

1           9- ~~Serve as county seed inspector for the purposes of enforcing the laws and~~  
2                    ~~regulations under the jurisdiction of the state seed department as directed by the~~  
3                    ~~state seed commissioner.~~

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

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

- 7           1. If the governing body of a city elects to establish a noxious weed control program  
8                   for the city, the governing body shall appoint a city weed board consisting of five or  
9                   seven members. Members shall serve for a term of four years or until their  
10                   successors are appointed and qualified. The terms must be staggered so that no  
11                   more than two expire each year. Any qualified elector residing within the city is  
12                   eligible to serve on the board.
- 13           2. A board member shall assume office at the first regular meeting of the city weed  
14                   board following that member's appointment.
- 15           3. The governing body of the city shall remove a member of the city weed board for  
16                   repeated unexcused failures to attend meetings, for refusal to act as a board  
17                   member, or for incapacity. If a vacancy occurs on a city weed board, the  
18                   governing body of the city, at its next regular meeting, shall appoint an individual  
19                   who possesses the necessary qualifications to fill the unexpired term.
- 20           4. The city weed board shall elect from its members a chairman and a vice chairman  
21                   and shall appoint a secretary and a treasurer. The secretary and treasurer need  
22                   not be members of the city weed board.
- 23           5. The governing body of the city may set rates of compensation for city weed board  
24                   members. City weed board members are entitled to reimbursement for actual and  
25                   necessary expenses and a mileage allowance at the rate established for city  
26                   employees.

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

29           **City weed board - Duties.**

- 30           1. Each city weed board shall designate a city weed control officer who shall  
31                   cooperate with the board and be responsible for the operation and enforcement of

1           this chapter within the city. The city weed control officer may be a member of the  
2           city weed board. An individual may serve as a weed control officer for more than  
3           one weed board. Employment is for a tenure and at rates of compensation and  
4           reimbursement for travel expenses as the city weed board may prescribe and is  
5           without regard to any provision of law relating to dual compensation. A city weed  
6           board shall certify the designation of a city weed control officer to the  
7           commissioner.

8           2. Each city weed board shall cooperate with all other control authorities.

9           3. Each city weed board shall implement and pursue an effective program for the  
10           control of noxious weeds.

11           4. Each city weed board shall fix the time and place of regular meetings. Each board  
12           shall meet at least once each year. All meetings are open to the public. Each  
13           board shall keep minutes of its meetings and a complete record of all official acts.

14           5. Each city weed board shall conduct at least one annual inspection to determine the  
15           progress of weed control activities within the city.

16           6. Each city weed board shall control and disburse all moneys received by the city  
17           from any source for noxious weed control.

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

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

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

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

28           3. Employ additional personnel to assist with noxious weed control and eradication  
29           efforts.

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

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

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

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

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

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

24           **63-01.1-05.1. Certification of county and city weed control officers - Extension**  
25 **service.**

- 26           1. ~~The commissioner shall adopt rules setting the requirements for certification~~  
27 ~~categories of county weed control officers~~, after consultation with the director of the  
28 agricultural experiment station and the director of the North Dakota state university  
29 extension service, or their ~~respective~~ designees, shall adopt rules governing  
30 certification categories for county and city weed control officers. ~~All designated~~  
31 Before assuming any duties, each county and city weed control officers officer

1 must be certified pursuant to the under rules adopted by the commissioner ~~before~~  
2 ~~assuming their duties.~~

3 2. The North Dakota state university extension service shall establish a program to  
4 provide educational instruction to ~~local~~ county and city weed control officers.

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

7 **63-01.1-06. Funding of county programs.**

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

- 1                    program ~~in the county~~. The tax may be levied in excess of the mill levy limit  
2                    prescribed by law for general purposes.
- 3            2. The commissioner shall allocate the ~~funds~~ county share of any legislative  
4            appropriation for noxious weed control or eradication to the county weed boards  
5            ~~and cities which establish a program under section 63-01.1-10.1~~ pursuant to a  
6            formula adopted by the commissioner, after consultation with county weed boards.  
7            ~~Landowners shall contribute a minimum of twenty percent of the cost of noxious~~  
8            ~~weed control on their land. No~~ A county weed board ~~or city~~ may not receive an  
9            ~~amount in excess of~~ more than one-half of the board's ~~or city's~~ actual cost-share  
10           ~~expenditures for noxious weed control or eradication~~ from any legislative  
11           ~~appropriation, unless the appropriation provides assistance in noxious weed~~  
12           ~~control to a board or city under subsection 3.~~
- 13           3. ~~If a~~ commissioner in consultation with the county weed board determines a  
14           noxious weed is seriously endangering areas of a county or the state, ~~assistance~~  
15           ~~in control may be provided by legislative appropriation. The commissioner shall~~  
16           ~~allocate the appropriation accordingly, and the commissioner and each affected~~  
17           ~~county weed board and city which establishes a program under section~~  
18           ~~63-01.1-10.1 shall be responsible for ensuring that the funds are properly~~  
19           ~~expended.~~
- 20           4. 3. To be eligible to receive state cost-share ~~funds~~ dollars a county ~~shall~~ must levy a  
21           ~~minimum of at least~~ three mills for noxious weed ~~or leafy spurge control or~~  
22           eradication. The request for ~~allocated funds pursuant to subsections 2 and 3~~  
23           cost-share dollars must be initiated by ~~the~~ a county weed board ~~or city which~~  
24           ~~establishes a program under section 63-01.1-10.1~~ by submitting a voucher and  
25           documentation. Upon approval of the voucher and documentation by the  
26           commissioner, the office of management and budget shall make the payment out  
27           of funds appropriated for the control or eradication of noxious weeds.
- 28           4. If a program for the control or eradication of noxious weeds involves landowner  
29           participation, the landowner must contribute an amount equal to at least twenty  
30           percent of the total cost.

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

3           **Funding of city programs.**

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

1           commissioner, the office of management and budget shall make the payment out  
2           of funds appropriated for the control or eradication of noxious weeds.

3           4. If a program for the control or eradication of noxious weeds involves landowner  
4           participation, the landowner must contribute an amount equal to at least twenty  
5           percent of the total cost.

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

8           **63-01.1-08. Entry upon land for noxious weed control or eradication purposes -**  
9 **Notices - Landowner rights - Remedial requirements - Liens - Penalty.**

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



1           against the land for the ensuing year and must be collected in the same manner as  
2           other real estate taxes. If the city weed board intends to control or eradicate the  
3           noxious weeds, the notice must include a statement informing the landowner that  
4           the landowner may request that the city weed board not control or eradicate the  
5           noxious weeds. If the landowner requests that the city weed board not control or  
6           eradicate the noxious weeds, the board may not control or eradicate the noxious  
7           weeds until control or eradication is authorized by a majority vote of the city  
8           governing body.

9           3. If any other land is found to be infested with noxious weeds ~~or, if authorized, pests~~  
10           by any control authority, the county weed control officer may serve upon the  
11           landowner written notice either personally or by certified mail, requiring the  
12           landowner to control or eradicate the noxious weeds ~~or, if authorized, pests~~ within  
13           the time period prescribed by the county weed control officer. ~~If the landowner~~  
14           ~~resides in another state, the landowner shall control or eradicate the noxious~~  
15           ~~weeds or, if authorized, pests within the time period prescribed by the county weed~~  
16           ~~control officer. Additional time may be requested~~ The landowner may request  
17           additional time from the county weed board. The notice must ~~specify~~ state that the  
18           landowner may be subject to the penalties provided in section 63-01.1-15 if the  
19           landowner fails to comply. The notice must specify minimal remedial  
20           requirements. A copy of the notice may be sent by certified mail to any tenant,  
21           lessee, or operator of the land. If the county weed board will control or eradicate  
22           the noxious weeds ~~or, if authorized, pests~~ upon failure of the landowner to control  
23           or eradicate the noxious weeds ~~or, if authorized, pests~~, the notice must ~~also~~  
24           include a statement of costs. If the landowner does not control or eradicate the  
25           noxious weeds ~~or, if authorized, pests~~ within the time ~~specified time~~, the county  
26           weed control officer may cause the noxious weeds ~~or, if authorized, pests~~ to be  
27           controlled or eradicated and the expenses charged against the land of the  
28           landowner. These expenses are part of the taxes to be levied against the land for  
29           the ensuing year and must be collected in the same manner as other real estate  
30           taxes. If the county weed board intends to control or eradicate the noxious weeds  
31           ~~or, if authorized, pests~~, the notice must include a statement informing the

1 landowner that the landowner may request that the county weed board not ~~to~~  
2 control or eradicate the noxious weeds ~~or, if authorized, pests~~. If the landowner  
3 requests that the county weed board not ~~to~~ control or eradicate the noxious  
4 weeds ~~or, if authorized, pests~~, the board may not control or eradicate the noxious  
5 weeds ~~or, if authorized, pests~~ until control or eradication is authorized by a majority  
6 vote of the board ~~control is authorized~~.

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

9 **63-01.1-09. County weed board to control or eradicate noxious weeds and pests**  
10 **along county and township roads and highways.** The county weed board shall control or  
11 eradicate ~~or control~~ noxious weeds ~~or, for purposes of section 63-01.1-04.2, pests as defined in~~  
12 ~~this chapter~~ along county and township roads and highways ~~within the county~~ and the expense  
13 incurred for noxious weed control or eradication must be paid from funds as provided in section  
14 63-01.1-06.

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

17 **63-01.1-10.1. ~~Cities to control~~ Control of noxious weeds within cities.**

- 18 4. The governing body of any city, ~~with~~ having a population of three thousand or  
19 more, may act as a control authority, and may establish and administer a program  
20 for the control or eradication of noxious weeds within the jurisdictional limits of the  
21 city. If a program is not established, the county weed board shall administer a  
22 program for the city.
- 23 ~~2. The governing body of any city with a population of three thousand or more may~~  
24 ~~levy a tax, not to exceed two mills on the taxable valuation of property within the~~  
25 ~~corporate limits of the city, to establish and administer the program.~~
- 26 ~~3. Moneys received by the cities from the levy may be used in any phase of weed~~  
27 ~~control as determined by the governing body of the city. The control program shall~~  
28 ~~include work on weeds included on any county or state noxious weed list.~~
- 29 ~~4. The governing body of a city which establishes a control program may petition the~~  
30 ~~agriculture commissioner for special assistance in funding authorized by section~~  
31 ~~63-01.1-06.~~

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

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

5           **63-01.1-12. Preventing dissemination of noxious weeds.**

- 6           1. To prevent the dissemination of noxious weeds by machinery, trucks, harvesting,  
7                     or other farm equipment, ~~or~~ and to prevent the dissemination of noxious weeds  
8                     during transportation of plants, forage, screenings, dirt, and other articles ~~which~~  
9                     ~~may be transported by any means,~~ the commissioner shall, ~~from time to time,~~  
10                    publish a list of the possible methods ~~of disseminating the~~ by which noxious weeds  
11                    or their propagating parts of such weeds can be disseminated.
- 12           2. All operators of tillage, seeding, and harvesting equipment shall ~~be required to~~  
13                    clean ~~such~~ their equipment to prevent the spread of noxious weeds by seed or  
14                    other propagating parts prior to moving ~~such~~ their equipment on public highways,  
15                    airways, waterways, or by any other means of conveyance, public or otherwise.  
16                    Trucks or trailers transporting grain screenings shall must be constructed and  
17                    covered ~~so as to prevent~~ noxious weed seed dissemination. Scattering and  
18                    dumping on land or in water ~~of~~ any material containing noxious weed seeds or  
19                    propagating parts is prohibited unless ~~such~~ the material has been processed or  
20                    treated, or unless it is buried sufficiently deep ~~sufficiently deep~~ deeply enough to destroy the seeds  
21                    and other propagating parts.

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

24           **63-01.1-12.1. Quarantine period - Materials or farm products and area defined.**

- 25           1. ~~Whenever the commissioner, the county weed board, or anyone authorized~~  
26                    ~~thereby finds any~~ If a control authority determines that an area of the state to be is  
27                    infested with noxious weeds, ~~and it is established that~~ if materials or farm products  
28                    from that area are liable to spread noxious weeds into other areas to the injury of  
29                    others, the commissioner shall, ~~without unnecessary delay,~~ declare a quarantine  
30                    against the area to prevent the transfer of materials or farm products from the  
31                    quarantined area. ~~When it is ascertained that~~ If noxious weeds are likely to be

1 introduced into this state by the importation of materials or farm products, the  
2 commissioner shall declare a quarantine against the importation of those materials  
3 or farm products.

4 2. The commissioner shall declare ~~an individual county~~ a quarantine when requested  
5 ~~by~~ to do so through a resolution adopted by a two-thirds majority of the ~~county~~  
6 weed board ~~of the county~~ having jurisdiction over the area in which the quarantine  
7 is to be declared.

8 3. For the purposes of this section, ~~"area"~~:

9 a. "Area" means a geographical section of land as identified by the  
10 commissioner, ~~which~~ and may include cities and counties or any portion of a  
11 city or county; ~~"farm products"~~.

12 b. "Farm products" means ~~all~~ crops, crop products, plants or portions ~~thereof,~~  
13 ~~but shall not mean~~ of plants, but does not include livestock; ~~and "materials"~~.

14 c. "Materials" means gravel or other substances that can be transported over a  
15 state highway, street, or road.

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

18 **63-01.1-12.2. ~~Noxious weed~~ Weed-free certification - Gravel and sand pits and**  
19 **hay land.**

20 1. The commissioner, after ~~consultation~~ consulting with the North Dakota state  
21 university extension service, may adopt rules for certifying that gravel, scoria, or  
22 sand surface mining operations and land producing hay for sale or for resale are  
23 not contaminated with ~~noxious~~ weeds. The rules must identify the extent ~~noxious~~  
24 to which weeds are allowed with certification.

25 2. The ~~county~~ weed board, after ~~consultation~~ consulting with the North Dakota state  
26 university extension service, may certify gravel, scoria, or sand surface mining  
27 operations and land producing hay for sale or for resale as not contaminated with  
28 ~~noxious~~ weeds.

29 3. The commissioner shall adopt a schedule of fees that ~~county~~ weed boards and the  
30 North Dakota state university extension service may charge for inspecting, testing,

- 1 analyzing, and certifying gravel, scoria, or sand surface mining operations and hay  
2 land.
- 3 4. Certification of gravel, scoria, ~~or~~ sand surface mining operations, or hay land is not  
4 a warranty of any kind as to the quality of the gravel, sand, or hay produced from  
5 an inspected and certified location. The only representation made is that land from  
6 which sand and gravel is surface mined or land producing hay for sale or resale  
7 has been inspected for weed contamination ~~by noxious weeds~~ under rules  
8 adopted by the commissioner.

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

11 **63-01.1-13. Publicly owned land - ~~Weed and pest~~ Noxious weed control or  
12 eradication.**

- 13 1. The commissioner shall attempt to arrange a ~~satisfactory~~ noxious weed ~~and pest~~  
14 ~~eradication or control~~ or eradication program with all state and federal agencies  
15 owning, controlling, or having jurisdiction over land within the state. ~~Weed~~  
16 2. Weed control officers shall attempt to arrange a ~~satisfactory~~ noxious weed ~~or, if~~  
17 ~~authorized, pest eradication or control~~ or eradication program with ~~cities, park~~  
18 ~~boards, cemeteries, school boards, counties, and other local entities~~ political  
19 subdivisions owning or controlling public land within ~~the control authority~~ each  
20 weed control officer's jurisdiction. ~~State agencies controlling or having jurisdiction~~  
21 ~~over lands within the~~  
22 3. Each state agency shall provide for ~~eradication or the control or eradication~~ of  
23 noxious weeds ~~and pests~~ on ~~such lands.~~ Upon failure of any land within its  
24 jurisdiction. If a state agency fails to adequately control or eradicate noxious  
25 weeds ~~or, if authorized, pests~~ on land under its ~~control~~ jurisdiction, the ~~county~~  
26 weed board for the county in which all or a portion of the land is located, upon  
27 approval of the commissioner, may enter upon the land to control or eradicate the  
28 noxious weeds ~~and, if authorized, pests.~~ The state agency shall reimburse the  
29 county weed board for expenses incurred in the control or eradication of the  
30 noxious weeds ~~or, if authorized, pests pursuant to this section~~ within thirty days  
31 after the agency receives the bill.

1       ~~2.~~ 4. A Each federal agency shall develop a management ~~program plan~~ plan for controlling  
2       or eradicating noxious weeds ~~or, if authorized, pests~~ on land ~~the agency controls~~  
3       ~~or over which the agency has~~ under the agency's jurisdiction. If a federal agency  
4       does not control or ~~set up a management program to the satisfaction of the weed~~  
5       ~~control authority, the~~ eradicate the noxious weeds and does not develop a  
6       management plan for controlling or eradicating the noxious weeds, the weed  
7       control office shall notify the agency as provided in section 63-01.1-08. The  
8       federal agency shall provide a report to the ~~commissioner and the county weed~~  
9       control authorities ~~describing~~ detailing the methods used by the federal agency  
10      and showing cause why the federal agency is not controlling or eradicating the  
11      noxious weeds ~~or, if authorized, pests~~. The commissioner may specify the forms  
12      on which the federal agency report must be submitted.

13      ~~3.~~ 5. Upon being notified by a ~~county~~ weed board of the federal agency's failure to  
14      control or eradicate noxious weeds ~~or, if authorized, pests~~, the commissioner may  
15      hold a public hearing ~~under such conditions and terms as the commissioner~~  
16      ~~determines advisable, to determine the reason for the failure or refusal.~~

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

19           **63-01.1-14. Weed Noxious weed control enforcement responsibilities of other**  
20      **agencies.** The state highway patrol, county sheriffs, and the truck regulatory division ~~shall,~~  
21      when requested to do so by a ~~local weed control officer or a~~ weed control authority, shall  
22      cooperate with ~~local weed control officers and the commissioner, a~~ weed control authority and  
23      ~~shall have the authority to~~ may enforce subsection 2 of section 63-01.1-12 ~~where~~ if machinery,  
24      commodities, or articles ~~are~~ being moved on state and federal highways or on county or  
25      township roads ~~and may be~~ are contributing to the dissemination of noxious weeds.

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

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

- 1           1. A county weed board that has been authorized to control or eradicate pests under  
2           this section shall:
  - 3           a. Implement and pursue an effective program for the control or eradication of  
4           pests; and
  - 5           b. Conduct at least one annual inspection to determine the progress of pest  
6           control or eradication activities within the county.
- 7           2. A county weed board that has been authorized to control or eradicate pests under  
8           this section may:
  - 9           a. Expend funds made available from state or federal sources for pest control or  
10           eradication purposes;
  - 11           b. Direct the county weed control officer to encourage landowners and  
12           occupants in the county to control or eradicate pests; and
  - 13           c. Employ additional personnel to assist with pest control and eradication efforts.

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

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

- 18           1. Cooperate with all control authorities, county extension agents, land users, and  
19           others to further pest control or eradication under this chapter.
- 20           2. Become acquainted with the location of pests on all land within the county.
- 21           3. Encourage pest control or eradication by all landowners and land occupants within  
22           the county.
- 23           4. Investigate all complaints regarding pests received by any control authority.
- 24           5. Take enforcement action when necessary.
- 25           6. Post or publish in official newspapers any notices the commissioner determines  
26           necessary to further pest control or eradication under this chapter.
- 27           7. Prepare reports as requested by the commissioner.
- 28           8. Attend area or statewide meetings called by the commissioner to further pest  
29           control or eradication under this chapter.

30           **SECTION 30.** 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 - Pest control or eradication - Entry upon land.**

2           1.   Any control authority or its agent may enter upon land within its jurisdiction to  
3           perform duties and to exercise powers under this chapter related to the control or  
4           eradication of pests, without the consent of the landowner, lessee, renter, tenant,  
5           or operator, and without being subject to any action for trespass or damages,  
6           including damages for destruction of growing crops, if reasonable care is  
7           exercised.

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

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





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

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

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

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

1           eradicate the pests, the notice must include a statement informing the landowner  
2           that the landowner may request that the city weed board not control or eradicate  
3           the pests. If the landowner requests that the city weed board not control or  
4           eradicate the pests, the board may not control or eradicate the pests until the city  
5           weed board, by a majority vote, authorizes the control or eradication.

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

8           **City weed board - Pest control or eradication - Roads and highways.** The city  
9 weed board shall control or eradicate pests along streets, roads, and highways within the city  
10 and any expenses incurred in the control or eradication must be paid from funds as provided in  
11 section 19 of this Act.

12           **SECTION 36.** A new section to chapter 63-01.1 of the North Dakota Century Code is  
13 created and enacted as follows:

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

- 15           1. The commissioner shall attempt to arrange a pest control or eradication program  
16           with all state and federal agencies owning, controlling, or having jurisdiction over  
17           land within the state.
- 18           2. Except as provided in subsection 3, a county weed control officer shall attempt to  
19           arrange a pest control or eradication program with all political subdivisions owning  
20           or controlling public land within the county weed control officer's jurisdiction.
- 21           3. If a city has a pest control or eradication program, the city weed control officer shall  
22           attempt to arrange a pest control or eradication program with all political  
23           subdivisions owning or controlling public land within the corporate limits of the city.
- 24           4. Each state agency shall provide for the control or eradication of pests on any land  
25           within the agency's jurisdiction. If a state agency fails to control or eradicate pests  
26           on land under its jurisdiction, the weed board having jurisdiction over the area in  
27           which all or a portion of the land is located, upon approval of the commissioner,  
28           may enter upon the land to control or eradicate the pests. The state agency shall  
29           reimburse the weed board for expenses incurred in the control or eradication of  
30           pests 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 weed control officer shall notify the agency as  
5           provided in section 63-01.1-08. The federal agency shall provide a report to the  
6           control authority detailing the methods used by the federal agency and showing  
7           cause why the federal agency is not controlling or eradicating the pests. The  
8           commissioner may specify the forms on which the federal agency report must be  
9           submitted.

10          6. Upon being notified by a weed board of a federal agency's failure to control or  
11          eradicate pests, the commissioner may hold a public hearing to determine the  
12          reason for the agency's failure.

13           **SECTION 37. 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  
18           misdemeanor. A control authority may institute necessary criminal actions under  
19           this subsection.
- 20           2. Persons failing to comply with the rules and notice provisions of this chapter are  
21           subject to a civil penalty not to exceed ~~five~~ eighty dollars per day for each day of  
22           violation, subject to a maximum penalty of ~~two~~ four thousand ~~five~~ hundred dollars  
23           per year. The accumulated penalties under this section are a lien against the  
24           property of the landowner from the day the notice is delivered to the landowner  
25           under section 63-01.1-08.
- 26           3. a. All penalties collected pursuant to this section must be deposited with the  
27           treasurer of the political subdivision and credited to the weed control and  
28           eradication fund in the political subdivision in which the penalty originated.
- 29           **Penalties**
- 30           b. All penalties collected pursuant to this section for failure or refusal to ~~perform~~  
31           ~~remedial requirements for the control of~~ or eradicate pests ~~on an infested~~

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

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

9                    **SECTION 38. REPEAL.** Section 63-01.1-04.2 of the North Dakota Century Code is  
10                    repealed.