

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1317

Introduced by

Representatives D. Johnson, Hofstad, Mueller

Senators Flakoll, Klein, Wanzek

1 A BILL for an Act to amend and reenact sections 4.1-47-16 and 4.1-47-28 of the North Dakota
2 Century Code, relating to noxious weed control; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 4.1-47-16 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4.1-47-16. State appropriations for noxious weed control - Landowner assistance**
7 **program.**

8 1. The commissioner shall consult with representatives of county and city weed boards
9 and develop a formula for the distribution to eligible county weed boards and eligible
10 city weed boards of all moneys appropriated by the state for the landowner assistance
11 program.

12 2. a. The formula must require that county officials budget, from county sources, an
13 amount equal to the revenue that could be raised by a levy of at least three mills
14 for noxious weed control; provided, however, that this amount does not apply to
15 property that lies within the boundaries of a city having a noxious weed control
16 program under this chapter.

17 b. The formula must require that city officials budget, from city sources, an amount
18 equal to the revenue that could be raised by a levy of at least three mills for
19 noxious weed control.

20 3. a. The formula must require that the landowner contribute an amount equal to at
21 least twenty percent of the cost to be expended on behalf of the landowner.

22 b. ~~The formula may include payment in kind criteria by which~~ nature and type of the
23 landowner's contribution may be realized ~~must be determined by the weed board~~
24 having jurisdiction over the area in which the landowner's property is located.

1 **SECTION 2. AMENDMENT.** Section 4.1-47-28 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **4.1-47-28. Entry upon land for noxious weed control purposes - Notices - Landowner**
4 **rights - Remedial requirements - Liens.**

5 1. a. If a county weed officer determines that any land other than that referenced in
6 subsection 2 contains noxious weeds, the county weed control officer may first
7 contact the occupant and request that the occupant control the noxious weeds
8 within a prescribed time period and in a prescribed manner. If the county weed
9 control officer determines that the occupant has failed to control the noxious
10 weeds, as requested, the county weed officer shall serve upon the landowner
11 written notice, either personally or by certified mail, requiring the landowner to
12 control the noxious weeds within the time period prescribed by the county weed
13 control officer.

14 b. The notice must:

15 (1) Specify the minimal remedial requirements;

16 (2) Specify the time within which the landowner must meet the minimum
17 remedial requirements;

18 (3) Specify that the landowner may be subject to penalties provided under this
19 chapter if the landowner fails to comply with the remedial requirements;

20 (4) Include a statement of costs if the landowner fails to control the noxious
21 weeds and the county weed officer must provide for control of the weeds;
22 and

23 (5) Provide that the landowner may stay any efforts by the county weed officer
24 to control noxious weeds on the land by requesting in writing that the county
25 weed board hold a hearing on the matter.

26 c. ~~The county weed officer shall deliver a copy of the notice personally or forward a~~
27 ~~copy of the notice by certified mail to any tenant, lessee, or operator of the land~~
28 ~~on which the noxious weeds are located.~~

29 d. If the landowner does not meet the minimum remedial requirements within the
30 time specified in the notice and does not request a hearing on the matter by the
31 county weed board, the county weed control officer may cause the noxious

1 weeds to be controlled and the expenses charged against the land of the
2 landowner. These expenses are part of the taxes to be levied against the land for
3 the ensuing year and must be collected in the same manner as other real estate
4 taxes.

5 e.d. If after holding a hearing on the matter, the county weed board directs that the
6 noxious weeds be controlled by the county weed officer, the landowner may
7 appeal the decision to the board of county commissioners. A decision by the
8 board of county commissioners is final.

9 f.e. If the landowner does not appeal the decision to the board of county
10 commissioners, or if the board of county commissioners upholds the decision of
11 the county weed board, the county weed control officer may cause the noxious
12 weeds to be controlled and any expenses incurred by the county weed officer in
13 controlling the weeds must be charged against the land of the landowner. These
14 expenses are part of the taxes to be levied against the land for the ensuing year
15 and must be collected in the same manner as other real estate taxes.

16 2. a. If a city weed control officer determines that land within the officer's jurisdiction
17 contains noxious weeds, the officer may serve upon the landowner written notice
18 either personally or by certified mail, requiring the landowner to control the
19 noxious weeds within the time period prescribed by the city weed control officer.

20 b. The notice must:

21 (1) Specify the minimal remedial requirements;

22 (2) Specify the time within which the landowner must meet the minimum
23 remedial requirements;

24 (3) Specify that the landowner may be subject to penalties provided under this
25 chapter if the landowner fails to comply with the remedial requirement;

26 (4) Include a statement of costs if the landowner fails to control the noxious
27 weeds and the city weed officer must provide for control of the weeds; and

28 (5) Provide that the landowner may stay any efforts by the city weed officer to
29 control noxious weeds on the land, by requesting in writing that the city
30 weed board hold a hearing on the matter.

- 1 c. The city weed officer shall deliver a copy of the notice personally or forward a
2 copy of the notice by certified mail to any tenant, lessee, or operator of the land
3 on which the noxious weeds are located.
- 4 d. If the landowner does not meet the minimum remedial requirements within the
5 time specified in the notice and does not request a hearing on the matter by the
6 city weed board, the city weed control officer may cause the noxious weeds to be
7 controlled and the expenses charged against the land of the landowner. These
8 expenses are part of the taxes to be levied against the land for the ensuing year
9 and must be collected in the same manner as other real estate taxes.
- 10 e. If after holding a hearing on the matter the city weed board directs that the
11 noxious weeds be controlled by the city weed officer, the landowner may appeal
12 the decision to the governing body of the city. A decision by the governing body is
13 final.
- 14 f. If the landowner does not appeal the decision to the governing body of the city, or
15 if the governing body of the city upholds the decision of the city weed board, the
16 city weed control officer may cause the noxious weeds to be controlled and any
17 expenses incurred by the city weed officer in controlling the weeds must be
18 charged against the land of the landowner. These expenses are part of the taxes
19 to be levied against the land for the ensuing year and must be collected in the
20 same manner as other real estate taxes.

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