

**FIRST ENGROSSMENT
with Senate Amendments**

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1459

Introduced by

Representatives Brandenburg, Froelich, Kerzman, Kretschmar

Senators Erbele, Krauter

1 A BILL for an Act to provide legislative findings and a declaration concerning lands around Lake
2 Oahe managed by the army corps of engineers; to provide for the control or eradication of
3 noxious weeds on publicly owned lands; and to provide for a legislative council study.

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

5 **SECTION 1. LEGISLATIVE FINDINGS AND DECLARATION OF INTENT.** The
6 legislative assembly finds and declares that:

- 7 1. The economy and well-being of the residents of North Dakota are dependent upon
8 agriculture.
- 9 2. The United States, through the army corps of engineers, has acquired certain
10 lands around Lake Oahe.
- 11 3. The army corps of engineers has failed to control weeds and manage this land
12 properly.
- 13 4. The failure to control weeds on land managed by the army corps of engineers is a
14 public nuisance and jeopardizes the public health, safety, and general welfare of
15 the citizens of North Dakota.

16 **SECTION 2. CONGRESS URGED TO TRANSFER CERTAIN LANDS - DUTIES OF**
17 **SECRETARY OF STATE.** The legislative assembly urges the Congress of the United States
18 to enact legislation to transfer lands around Lake Oahe, excluding lands adjoining the Standing
19 Rock Reservation, owned by the United States, through the army corps of engineers, to the
20 state of North Dakota. The secretary of state shall forward copies of this Act to each member
21 of the North Dakota congressional delegation.

22 **SECTION 3. Publicly owned land - Noxious weed control or eradication.**

- 1 1. The commissioner shall attempt to arrange a noxious weed control or eradication
2 program with all state and federal agencies owning, controlling, or having
3 jurisdiction over land within the state.
- 4 2. Each weed control officer shall attempt to arrange a noxious weed control or
5 eradication program with political subdivisions owning or controlling public land
6 within the weed control officer's jurisdiction.
- 7 3. If a federal agency does not control or eradicate noxious weeds on land under the
8 jurisdiction of the agency and does not develop a management plan for controlling
9 or eradicating the noxious weeds, the appropriate weed control office shall notify
10 the agency of the failure to control or eradicate the noxious weeds. The federal
11 agency shall provide a report to the weed control authorities detailing the methods
12 used by the federal agency and showing cause why the federal agency is not
13 controlling or eradicating the noxious weeds. The commissioner may specify the
14 forms on which the federal agency report must be submitted.
- 15 4. Upon being notified by a weed board of the federal agency's failure to control or
16 eradicate noxious weeds, the commissioner may hold a public hearing to
17 determine the reason for the failure.

18 **SECTION 4. LEGISLATIVE COUNCIL STUDY - WEED CONTROL PROGRAMS.**

19 During the 2009-10 interim, the legislative council shall consider studying the weed control
20 programs of the army corps of engineers on federal land under its control, including whether
21 the army corps of engineers is in compliance with federal and any applicable state weed control
22 laws, whether the army corps of engineers sufficiently budgets funds to address weed control
23 on army corps of engineers' land, and whether Congress provides proper funding for weed
24 control on army corps of engineers' land. The legislative council shall report its findings and
25 recommendations, together with any legislation required to implement the recommendations, to
26 the sixty-second legislative assembly.