

**Sixty-first Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1459  
(Representatives Brandenburg, Froelich, Kerzman, Kretschmar)  
(Senators Erbele, Krauter)

AN ACT to provide legislative findings and a declaration concerning lands around Lake Oahe managed by the army corps of engineers; to provide for the control or eradication of noxious weeds on publicly owned lands; and to provide for a legislative council study.

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

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

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

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

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

1. The commissioner shall attempt to arrange a noxious weed control or eradication program with all state and federal agencies owning, controlling, or having jurisdiction over land within the state.
2. Each weed control officer shall attempt to arrange a noxious weed control or eradication program with political subdivisions owning or controlling public land within the weed control officer's jurisdiction.
3. If a federal agency does not control or eradicate noxious weeds on land under the jurisdiction of the agency and does not develop a management plan for controlling or eradicating the noxious weeds, the appropriate weed control office shall notify the agency of the failure to control or eradicate the noxious weeds. The federal agency shall provide a report to the weed control authorities detailing the methods used by the federal agency and showing cause why the federal agency is not controlling or eradicating the noxious weeds. The commissioner may specify the forms on which the federal agency report must be submitted.

4. Upon being notified by a weed board of the federal agency's failure to control or eradicate noxious weeds, the commissioner may hold a public hearing to determine the reason for the failure.

**SECTION 4. LEGISLATIVE COUNCIL STUDY - WEED CONTROL PROGRAMS.** During the 2009-10 interim, the legislative council shall consider studying the weed control programs of the army corps of engineers on federal land under its control, including whether the army corps of engineers is in compliance with federal and any applicable state weed control laws, whether the army corps of engineers sufficiently budgets funds to address weed control on army corps of engineers' land, and whether Congress provides proper funding for weed control on army corps of engineers' land. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

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Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1459.

House Vote:      Yeas    91      Nays    0      Absent    3

Senate Vote:    Yeas    47      Nays    0      Absent    0

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2009,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State