

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2371

Introduced by

Senators Miller, Bowman, Flakoll

Representatives Froelich, Kilichowski, Kingsbury

1 A BILL for an Act to amend and reenact sections 63-01.1-06 and 63-01.1-07.6 of the North
2 Dakota Century Code or in the alternative to amend and reenact section 16 of House Bill
3 No. 1026, as approved by the sixty-first legislative assembly, and to amend and reenact
4 sections 2, 10, 18, and 21 of House Bill No. 1026, as approved by the sixty-first legislative
5 assembly, relating to funding limits for certain noxious weed programs, defining invasive
6 species, and to expenditures and authority to control invasive species.

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

8 **SECTION 1. AMENDMENT.** If House Bill No. 1026 does not become effective, section
9 63-01.1-06 of the North Dakota Century Code is amended and reenacted as follows:

10 **63-01.1-06. Funding of county programs.**

- 11 1. a. The board of county commissioners may pay expenses from the county
12 general fund to further the county noxious weed control program under this
13 chapter, including to provide noxious weed control or eradication along public
14 highways in the county.
- 15 b. The county weed board may certify annually to the board of county
16 commissioners a tax, not to exceed two mills on the taxable valuation of all
17 taxable property in the county, to carry out this chapter.
- 18 c. The board of county commissioners by majority vote may certify up to two
19 additional mills on the taxable valuation of all taxable property in the county,
20 except property within the corporate limits of a city that establishes a program
21 under 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 fund known as the noxious weed control or eradication fund. Moneys in the

1 fund must be used to pay the salaries and expenses of the county weed
2 board and the county weed control officer, the expenses of noxious weed
3 control or eradication along public highways in the county, and any other
4 expenses incurred in the operation of a county noxious weed control or
5 eradication program. The tax may be levied in excess of the mill levy limit
6 prescribed by law for general purposes.

7 2. The commissioner shall allocate the county share of any legislative appropriation
8 for noxious weed control or eradication to the county weed boards pursuant to a
9 formula adopted by the commissioner, after consultation with county weed boards.
10 A county weed board may not receive more than ~~one-half~~ seventy-five percent of
11 the board's actual cost-share expenditures for noxious weed control or eradication
12 from any legislative appropriation, unless the commissioner in consultation with the
13 county weed board determines a noxious weed is seriously endangering areas of a
14 county or the state.

15 3. To be eligible to receive landowner assistance cost-share dollars a county must
16 levy at least three mills for noxious weed control or eradication. The request for
17 cost-share dollars must be initiated by a county weed board by submitting a
18 voucher and documentation. Upon approval of the voucher and documentation by
19 the commissioner, the office of management and budget shall make the payment
20 out of funds appropriated for the control or eradication of noxious weeds.

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

24 **SECTION 2. AMENDMENT.** If House Bill No. 1026 does not become effective, section
25 63-01.1-07.6 of the North Dakota Century Code is amended and reenacted as follows:

26 **63-01.1-07.6. Funding of city programs.**

27 1. a. The governing body of the city may pay expenses from the city general fund
28 to further the city's noxious weed control program under this chapter,
29 including to provide noxious weed control along public highways in the city.

- 1 b. The city weed board may certify annually to the governing body of the city a
2 tax, not to exceed two mills on the taxable valuation of all taxable property in
3 the city, to further its noxious weed control program under this chapter.
- 4 c. The governing body of the city may by majority vote certify up to two
5 additional mills on the taxable valuation of all taxable property in the city to
6 further its noxious weed control program under this chapter.
- 7 d. The governing body of the city shall levy the tax.
- 8 e. The city treasurer shall hold all taxes levied and collected under this section in
9 a separate fund known as the noxious weed control or eradication fund.
10 Money in the fund must be used to pay the salaries and expenses of the city
11 weed board and the city weed control officer, the expenses of noxious weed
12 control along public highways in the city, and any other expenses incurred in
13 the operation of a city noxious weed control program. The tax may be levied
14 in excess of the mill levy limit prescribed by law for general purposes.
- 15 2. The commissioner shall allocate any legislative appropriation for noxious weed
16 control or eradication to the city weed boards, pursuant to a formula adopted by
17 the commissioner, after consultation with city weed boards. A city weed board
18 may not receive more than ~~one-half~~ seventy-five percent of the city's actual
19 cost-share expenditures for noxious weed control or eradication from any
20 legislative appropriation, unless the commissioner in consultation with the city
21 weed board determines a noxious weed is seriously endangering areas of a city.
- 22 3. To be eligible to receive state cost-share dollars, a city must levy at least three
23 mills for noxious weed control or eradication. The request for cost-share dollars
24 must be initiated by a city weed board by submitting a voucher and documentation
25 to the commissioner. 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 3. AMENDMENT.** Section 2 of House Bill No. 1026, as approved by the
2 sixty-first legislative assembly, is amended and reenacted as follows:

3 **SECTION 2. Definitions.** As used in sections 2 through 33 of this Act:

- 4 1. "Board member area" means a geographical area within the county from which a
5 member of the weed board is appointed.
- 6 2. "City weed control officer" means an individual designated by a city weed board to
7 be responsible for the operation and enforcement of sections 2 through 33 of this
8 Act within the city.
- 9 3. "Commissioner" means the agriculture commissioner or the commissioner's
10 designee.
- 11 4. "Control" means to prevent a noxious weed from spreading by:
 - 12 a. Suppressing its seeds or ~~propogating~~ propagating parts; or
 - 13 b. Destroying either the entire plant or its propagating parts.
- 14 5. "County weed control officer" means an individual designated by the county weed
15 board to be responsible for the operation and enforcement of sections 2 through
16 33 of this Act within each county.
- 17 6. "Invasive species" means a plant species the introduction of which causes or is
18 likely to cause economic or environmental harm or harm to human health.
- 19 7. "Noxious weed" means a plant propagated by either seed or vegetative parts and
20 determined to be injurious to public health, crops, livestock, land, or other property
21 by:
 - 22 a. The commissioner in accordance with section 6 of this Act;
 - 23 b. A county weed board in accordance with section 11 of this Act; or
 - 24 c. A city weed board in accordance with section 22 of this Act.
- 25 ~~7.~~ 8. "Township road" means an improved public road that is:
 - 26 a. Located outside of an incorporated city;
 - 27 b. Not designated as part of a county, state, or federal-aid road system; and
 - 28 c. Constructed, maintained, graded, and drained by the township, or by the
29 county if the township is unorganized.

30 **SECTION 4. AMENDMENT.** Section 10 of House Bill No. 1026, as approved by the
31 sixty-first legislative assembly, is amended and reenacted as follows:

- 1 **SECTION 10. County weed board - Duties.** Each county weed board shall:
- 2 1. Implement a program for the control of noxious weeds;
- 3 2. Provide for the control of noxious weeds along county and township roads and
- 4 along county highways;
- 5 3. Establish the time and place of regular board meetings;
- 6 4. Meet at least once each year;
- 7 5. Keep minutes of its board meetings and a complete record of all official acts;
- 8 6. Control and disburse all moneys received by the county from any source for
- 9 noxious weed or invasive species control;
- 10 7. a. Provide for the compensation of its members and its secretary and treasurer;
- 11 b. Reimburse its members and its secretary and treasurer for actual and
- 12 necessary expenses; and
- 13 c. Provide a mileage allowance at the same rate as that established for state
- 14 employees; and
- 15 8. a. Employ and provide for the compensation of a weed control officer;
- 16 b. Reimburse the weed control officer for actual and necessary expenses; and
- 17 c. Provide a mileage allowance at the same rate as that established for state
- 18 employees.

19 **SECTION 5. AMENDMENT.** Section 16 of House Bill No. 1026, as approved by the

20 sixty-first legislative assembly, is amended and reenacted as follows:

21 **SECTION 16. State appropriations for noxious weed control - ~~County~~ Local share**

22 **- Determination.**

- 23 1. The commissioner shall consult with the county and city weed boards and develop
- 24 a method for the distribution to county and city weed boards of all moneys
- 25 appropriated by the state for noxious weed or invasive species control, other than
- 26 the landowner assistance grants provided for in section 17 of this Act.
- 27 2. The method must:
- 28 a. Limit the amount that any county or city weed board is entitled to receive
- 29 under this section to ~~fifty~~ seventy-five percent of the board's actual
- 30 expenditures under this section; and

- 1 b. Allow the commissioner to waive the limit provided for in this subsection if the
2 commissioner determines that a noxious weed or invasive species is
3 seriously endangering areas of the county, the city, or the state.

4 **SECTION 6. AMENDMENT.** Section 18 of House Bill No. 1026, as approved by the
5 sixty-first legislative assembly, is amended and reenacted as follows:

6 **SECTION 18. Control of noxious weeds and invasive species within cities.** The
7 governing body of any city having a population of three thousand or more may establish a
8 program for the control of noxious weeds and invasive species within the jurisdictional limits of
9 the city. If a program is not established, the county weed board shall administer a noxious
10 weeds program for the city and may administer an invasive species program for the city.

11 **SECTION 7. AMENDMENT.** Section 21 of House Bill No. 1026, as approved by the
12 sixty-first legislative assembly, is amended and reenacted as follows:

13 **SECTION 21. City weed board - Duties.** Each city weed board shall:

- 14 1. Implement a program for the control of noxious weeds;
15 2. Establish the time and place of regular board meetings;
16 3. Meet at least once each year;
17 4. Keep minutes of its meetings and a complete record of all official acts;
18 5. Control and disburse all moneys received by the city from any source for noxious
19 weed or invasive species control;
20 6. a. Provide for the compensation of its members and its secretary and treasurer;
21 b. Reimburse its members and its secretary and treasurer for actual and
22 necessary expenses; and
23 c. Provide a mileage allowance at the same rate as that established for state
24 employees; and
25 7. a. Employ and provide for the compensation of a weed control officer;
26 b. Reimburse the weed control officer for actual and necessary expenses; and
27 c. Provide a mileage allowance at the same rate as that established for state
28 employees.