

**FIRST ENGROSSMENT  
with Conference Committee Amendments**

**ENGROSSED SENATE BILL NO. 2371**

Introduced by

Senators Miller, Bowman, Flakoll

Representatives Froelich, Kilichowski, Kingsbury

1 A BILL for an Act to provide for the control of invasive species; to amend and reenact sections  
2 63-01.1-06 and 63-01.1-07.6 of the North Dakota Century Code or in the alternative to amend  
3 and reenact section 16 of House Bill No. 1026, as approved by the sixty-first legislative  
4 assembly, relating to the distribution of state appropriations for noxious weed control.

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

6 **SECTION 1. AMENDMENT.** If House Bill No. 1026 does not become effective, section  
7 63-01.1-06 of the North Dakota Century Code is amended and reenacted as follows:

8 **63-01.1-06. Funding of county programs.**

- 9 1. a. The board of county commissioners may pay expenses from the county  
10 general fund to further the county noxious weed control program under this  
11 chapter, including to provide noxious weed control or eradication along public  
12 highways in the county.
- 13 b. The county weed board may certify annually to the board of county  
14 commissioners a tax, not to exceed two mills on the taxable valuation of all  
15 taxable property in the county, to carry out this chapter.
- 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 except property within the corporate limits of a city that establishes a program  
19 under this chapter.
- 20 d. The board of county commissioners shall levy the tax.
- 21 e. The county treasurer shall hold all taxes levied and collected in a separate  
22 fund known as the noxious weed control or eradication fund. Moneys in the  
23 fund must be used to pay the salaries and expenses of the county weed  
24 board and the county weed control officer, the expenses of noxious weed

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

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

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

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

22 **SECTION 2. AMENDMENT.** If House Bill No. 1026 does not become effective, section  
23 63-01.1-07.6 of the North Dakota Century Code is amended and reenacted as follows:

24 **63-01.1-07.6. Funding of city programs.**

25 1. a. The governing body of the city may pay expenses from the city general fund  
26 to further the city's noxious weed control program under this chapter,  
27 including to provide noxious weed control along public highways in the city.  
28 b. The city weed board may certify annually to the governing body of the city a  
29 tax, not to exceed two mills on the taxable valuation of all taxable property in  
30 the city, to further its noxious weed control program under this chapter.

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

28 **SECTION 3. AMENDMENT.** Section 16 of House Bill No. 1026, as approved by the  
29 sixty-first legislative assembly, is amended and reenacted as follows:

30 **SECTION 16. State appropriations for noxious weed control - ~~County share~~**  
31 **Distribution - Determination.**

- 1           1.    The commissioner shall consult with the county and city weed boards and develop
- 2                    a method for the distribution to county and city weed boards of all moneys
- 3                    appropriated by the state for noxious weed control, other than the landowner
- 4                    assistance grants provided for in section 17 of this Act.
- 5           2.    The method must:
- 6                    a.    Limit the amount that any county or city weed board is entitled to receive
- 7                            under this section to ~~fifty~~ seventy-five percent of the board's actual
- 8                            expenditures under this section; and
- 9                    b.    Allow the commissioner to waive the limit provided for in this subsection if the
- 10                            commissioner determines that a noxious weed is seriously endangering areas
- 11                            of ~~the~~ a county, a city, or the state.

12                    **SECTION 4. County and city weed boards - Control of invasive species -**

13                    **Acceptance of funds.**

- 14           1.    If a county or a city weed board determines that an invasive species is present
- 15                    within its jurisdiction, the weed board shall notify the commissioner.
- 16           2.    a.    If funds for the control of invasive species are available to the commissioner,
- 17                            the commissioner may forward the funds to a weed board for the purpose of
- 18                            controlling the invasive species on public land and assisting private
- 19                            landowners in their efforts to voluntarily control the invasive species provided:
- 20                            (1)   The commissioner determines that, without intervention, the invasive
- 21                                    species is likely to become a noxious weed during the ensuing five-year
- 22                                    period; and
- 23                            (2)   The weed board files a plan with the commissioner detailing the
- 24                                    manner in which and the time within which the funds are to be
- 25                                    expended.
- 26                    b.    Notwithstanding any other law, a county or a city weed board may accept
- 27                            funds under this subsection and implement a plan, approved by the
- 28                            commissioner, for the control of invasive species within its jurisdiction.
- 29           3.    In addition to any funds available from the commissioner, a county or a city weed
- 30                    board may accept funds from any other source to control invasive species within
- 31                    its jurisdiction.

- 1           4. For purposes of this section, an invasive species means a plant species that has  
2           been introduced into this state and which the North Dakota state university  
3           extension service determines has caused or is likely to cause:  
4           a. Economic harm;  
5           b. Environmental harm; or  
6           c. Harm to human health.

7           **SECTION 5. ENVIRONMENT AND RANGELAND PROTECTION FUND - INVASIVE**

8           **SPECIES CONTROL.** The agriculture commissioner may use up to \$50,000 of the amount  
9           available to the commissioner from the environment and rangeland protection fund, in  
10          accordance with House Bill No. 1009, as approved by the sixty-first legislative assembly, for the  
11          purpose of controlling invasive species as provided by section 4 of this Act.