

WEEDS

CHAPTER 693

HOUSE BILL NO. 1223
(Committee on Agriculture)
(At the request of the Department of Agriculture)

NOXIOUS WEED CONTROL

AN ACT to create and enact subsection 12 of section 63-01.1-02 of the North Dakota Century Code, relating to the definition of township road; and to amend and reenact subsection 4 of section 63-01.1-05, subsection 1 of section 63-01.1-06, subsection 3 of section 63-01.1-06.2, subsection 3 of section 63-01.1-06.5, subsection 5 of section 63-01.1-08, and section 63-01.1-09 of the North Dakota Century Code, relating to noxious weed control.

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

SECTION 1. A new subsection to section 63-01.1-02 of the 1981 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

12. "Township road" means a public road which is an improved road, constructed, maintained, graded, and drained by the township, or county in the case of an unorganized township. A township road includes a street in an unincorporated townsite and does not necessarily have to be surfaced. A sodded road is not a township road. In order for a section line to be a township road it must be graded and drained and be an improved maintained road. A township road is a public road which is not designated as part of a county, state, or federal aid road system and is not located in an incorporated city.

SECTION 2. AMENDMENT. Subsection 4 of section 63-01.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Investigate all complaints received by himself, the county weed board, or the commissioner. If the weed control officer determines that the complaint is justified, he shall personally serve upon the landowner written notice, or shall issue written notice by certified mail to the address of the landowner requiring the landowner to

control or eradicate noxious weeds on his land within five days, unless additional time is requested from and granted by the county weed board. A copy of the written notice shall be sent by certified mail to the address of any lessee, tenant, renter, or operator of the land. If the landowner resides in another state, an additional time of not less than ~~thirty~~ ten days shall be granted to the landowner for control and eradication purposes. The weed control officer may, upon failure by the landowner to do so in the time limits provided, cause noxious weeds and grasses to be ~~cut or~~ controlled or eradicated and the expenses to be charged against the land of the landowner.

When noxious weeds in an area of more than three acres [1.21 hectares] in each forty-acre [16.19-hectare] area, in which a crop is or trees are growing, are to be ~~cut,~~ controlled, or eradicated because of infestations of noxious weeds, the landowner, lessee, renter, tenant, or operator of the land may petition the county weed board to halt the ~~cutting,~~ controlling, or eradication of the noxious weeds on the land, and the ~~cutting,~~ controlling, or eradication shall not take place unless approved by the county weed board by a majority vote of those members present and voting at a regular or special meeting.

The expenses charged shall become a part of the taxes to be levied against the land for the ensuing year and shall be collected in the same manner as other real estate taxes are collected, and placed to the credit of the respective subdivisions entitled thereto, or the landowner shall be subject to the penalties provided in section 63-01.1-15. Complaints, subject to the approval of the weed board, may be initiated by the weed control officer, and notice served in accordance with this subsection.

* SECTION 3. AMENDMENT. Subsection 1 of section 63-01.1-06 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The board of county commissioners may pay expenses from the general fund in any one year in furtherance of this chapter, including weed control along public highways in the county. The county weed board may certify annually to the board of county commissioners a tax, not to exceed two mills on the net assessed valuation of all taxable property in the county, to carry out the provisions of this chapter. However, the tax shall not be levied on property within the corporate limits of a city which establishes a program under section 63-01.1-10.1. The tax shall be levied by the board of county commissioners. All taxes levied and collected shall be ~~remitted to the county weed board for~~ held by the county treasurer in a separate fund to be known as the weed control fund, which shall be used only to carry out the provisions of this chapter.

* NOTE: Section 63-01.1-06 was also amended by section 89 of Senate Bill No. 2071, chapter 593.

The levy shall be made to cover the salary and expenses of the county weed board, county weed control officer, the expense of weed control along public highways in the county, and other expenses incurred in the operation of an effective weed control program in the county. The tax may be levied in excess of the mill levy limit prescribed by law for general purposes.

SECTION 4. AMENDMENT. Subsection 3 of section 63-01.1-06.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The state department of agriculture shall contribute the ~~total cost of the leafy spurge treatment program on state lands plus~~ the amount under subsection 2 which cannot be funded by a county weed board or city under section 63-01.1-06.3, subject to the limitation on expenditures from legislative appropriations set forth in subsection 2 of section 63-01.1-06.

SECTION 5. AMENDMENT. Subsection 3 of section 63-01.1-06.5 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The state department of agriculture shall contribute the ~~total cost of the cannabis treatment program on state lands plus~~ the amount under subsection 2 which cannot be funded by the county weed board or city. The commissioner shall allocate the funds of any legislative appropriation for cannabis control to the county weed boards and cities pursuant to a formula adopted by the commissioner, after consultation with the director of the extension division and the director of the agricultural experiment station, Fargo, or their respective designees. No county weed board or city shall receive an amount in excess of one-third of its actual expenditures for cannabis control from any legislative appropriation, unless the appropriation provides specific assistance in cannabis control to seriously endangered areas of a county or the state.

SECTION 6. AMENDMENT. Subsection 5 of section 63-01.1-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. When noxious weeds in an area of more than three acres [1.21 hectares] in each forty-acre [16.19-hectare] area, in which a crop ~~is~~ or trees ~~are~~ growing, are to be ~~cut~~, controlled, or eradicated because of infestations of noxious weeds, the landowner, lessee, renter, tenant, or operator of the land may petition the county weed board to halt the ~~cutting~~, controlling, or eradication of the noxious weeds on the land, and the ~~cutting~~, controlling, or eradication shall not take place unless approved by the

county weed board by a majority vote of those members present and voting at a regular or special meeting.

SECTION 7. AMENDMENT. Section 63-01.1-09 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

63-01.1-09. County weed board to ~~destroy~~ control or eradicate noxious weeds along county and township highways. The county weed board shall eradicate or control noxious weeds as defined in this chapter along ~~all public~~ county and township highways within the county and the expense thereof shall be paid from funds as provided in section 63-01.1-06.

Approved March 8, 1983