

WEEDS

CHAPTER 711

SENATE BILL NO. 2235

(Committee on Agriculture)

(At the request of the Commissioner of Agriculture)

WEED CONTROL PROGRAM

AN ACT to amend and reenact subsection 2 of section 63-01.1-06, subsection 1 of section 63-01.1-06.2, subsection 1 of section 63-01.1-06.5, and subsection 4 of section 63-01.1-08 of the North Dakota Century Code, relating to noxious weed control program funding and disposition of penalties; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 63-01.1-06 of the North Dakota Century Code is amended and reenacted as follows:

2. The commissioner shall allocate the funds of any legislative appropriation to the county weed boards and cities which establish a program under section 63-01.1-10.1 pursuant to a formula adopted by the commissioner, after consultation with the director of the extension ~~division~~ service and the director of the agricultural experiment station, Fargo, or their respective designees. No county weed board may receive an amount under this subsection which, when added to the amount generated by a tax levy of three mills on the taxable valuation of all taxable property in the county, would exceed eighty percent of the total cost of the actual expenditures for noxious weed control. Landowners shall contribute a minimum of twenty percent of the cost of noxious weed control on their land. No county weed board or city shall receive an amount in excess of one-half of its actual expenditures for noxious weed control from any legislative appropriation, unless the appropriation provides assistance in noxious weed control to a board or city under subsection 3.

SECTION 2. AMENDMENT. Subsection 1 of section 63-01.1-06.2 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Landowners shall contribute at least twenty percent of the cost of the leafy spurge treatment program on their land ~~but not to exceed a total cost of sixty dollars per acre (1.40 hectare) over a two-year period.~~ Landowner contributions may be in the form of property other than money, or services, if the contribution is specifically approved by the county weed board. Otherwise, the landowner contribution shall be in money.

SECTION 3. AMENDMENT. Subsection 1 of section 63-01.1-06.5 of the North Dakota Century Code is amended and reenacted as follows:

1. Landowners shall contribute at least twenty percent of the cost of the cannabis treatment program on their land ~~but not to exceed a total cost of sixty dollars per acre (1.40 hectare) over a two-year period.~~ Landowner contributions may be in the form of property other than money, or services, if the contribution is specifically approved by the county weed board. Otherwise the landowner contribution shall be in money.

SECTION 4. AMENDMENT. Subsection 4 of section 63-01.1-08 of the North Dakota Century Code is amended and reenacted as follows:

4. A landowner who is responsible for an infestation and fails or refuses to perform the remedial requirements for the control of the weeds on the infested area within the time designated may be fined not more than fifty dollars per day for each day of violation and not more than a total of two thousand five hundred dollars per year as determined by the district court. Any person accused of failure to perform remedial requirements under this section is entitled to a trial by jury, upon request. The accumulated fines under this section are a lien against the property of the landowner from the day the resolution is delivered to the landowner by the ~~county~~ weed board. All fines collected pursuant to this section shall be deposited with the ~~state~~ treasurer of the political subdivision and credited to the ~~state school fund~~ weed board noxious weed control fund in the political subdivision in which the fine originated.

Approved April 3, 1991

Filed April 4, 1991

CHAPTER 712

SENATE BILL NO. 2460
(Senators Keller, Meyer, Freborg)
(Representatives R. Anderson, Mahoney)

WEED CONTROL ON GAME AND FISH LAND

AN ACT to amend and reenact section 63-01.1-13.1 of the North Dakota Century Code, relating to noxious weed control on game and fish land.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 63-01.1-13.1 of the North Dakota Century Code is amended and reenacted as follows:

63-01.1-13.1. Noxious weed control on game and fish land. Upon failure of the game and fish department to adequately destroy noxious weeds, or control and prevent spreading and dissemination of noxious weeds, on any parcel of land under its control, the county weed board for the county in which all or a portion of the land owned ~~and~~, leased, or managed by the game and fish department is located may, upon approval of the commissioner, enter upon the land owned ~~and~~, leased, or managed by the game and fish department for the purposes of destruction, control, or prevention of noxious weeds. All expenditures by a county weed board for destruction, control, or prevention of noxious weeds on game and fish lands pursuant to this section ~~shall~~ must be reimbursed within thirty days by the ~~state~~ game and fish department to the board upon adequate certification by the board.

Approved March 25, 1991
Filed March 26, 1991