

January 2008

Introduced by

1 A BILL for an Act to provide for the control of noxious weeds; to amend sections 4-33-11 and
2 57-15-06.10 of the North Dakota Century Code, relating to pest control and consolidated levies;
3 to repeal chapter 63-01.1 of the North Dakota Century Code, relating to noxious weed control
4 and pest control; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 4-33-11 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **4-33-11. Authority for financing local control programs - County pest coordinator.**

- 9 1. The governing body of any political subdivision may appropriate money for the
10 control of pests under this chapter ~~or chapter 63-01.4~~. If state funds are involved,
11 the money must be expended according to control plans approved by the
12 commissioner. The governing body of a political subdivision shall determine the
13 portion, if any, of control program costs ~~that should~~ to be paid by the political
14 subdivision. Costs of the control program may be paid by moneys in the
15 emergency fund. If the emergency fund is not sufficient to carry out the program,
16 the governing body may expend money from the general fund and in this event the
17 governing body, except the governing body of a park district, upon approval of sixty
18 percent of those voting in any special election or the next regularly scheduled
19 primary or general election, may levy a tax during the following year upon all
20 taxable property in the political subdivision to fully reimburse the general fund for
21 the amount expended except that the levy may not exceed the limitation in
22 subsection 1 of section 57-15-28.1.
- 23 2. The board of county commissioners for any county shall designate ~~a person~~ an
24 individual to serve as county pest coordinator. The county weed control officer

1 may serve in that capacity if approved by the board of county commissioners. The
2 county pest coordinator shall administer local and private funds in cooperation with
3 state and federal pest control programs. When state funds are involved, the
4 county pest coordinator shall submit county and township control plans to the
5 agriculture commissioner for approval.

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

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

NOTE: NDCC Section 63-01.1-02.

1 **SECTION 3. Control of noxious weeds - Responsibility.** Each person shall do all
2 things necessary and proper to control the spread of noxious weeds.

NOTE: NDCC Section 63-01.1-01.

3 **SECTION 4. Noxious weed control - Agriculture commissioner - Powers.** The
4 commissioner may enter upon any land in the state to perform duties and to exercise powers
5 under sections 2 through 33 of this Act, including taking specimens of weeds or other materials,
6 without the consent of the landowner or other person responsible for the land and without being
7 subject to any action for trespass or damages, provided reasonable care is exercised.

NOTE: NDCC Section 63-01.1-08.

8 **SECTION 5. Noxious weed control - Agriculture commissioner - Duties.** The
9 commissioner shall:

- 10 1. Maintain a state noxious weed list;
- 11 2. Direct the removal of a noxious weed from a county or city noxious weed list if the
12 commissioner, after consultation with the respective weed board and the North
13 Dakota state university extension service, determines there is insufficient
14 justification for the continued inclusion of that particular noxious weed;
- 15 3. Except as otherwise provided, forward all signed complaints to the proper weed
16 control authority; and
- 17 4. Call an annual meeting of all weed control officers to review noxious weed control
18 efforts in this state.

NOTE: NDCC Section 63-01.1-03. As per committee direction, this section authorizes the commissioner to direct the removal of a noxious weed from a county or a city noxious weed list if the commissioner determines there is insufficient justification for the weed's continued inclusion.

19 **SECTION 6. State noxious weed list - Compilation.**

- 20 1. Before the commissioner may add a weed to or remove a weed from the state
21 noxious weed list, the commissioner shall consult with the North Dakota state
22 university extension service.
- 23 2. Before January 1, 2010, and at least every five years thereafter, the commissioner
24 shall review the state noxious weed list. The commissioner shall provide each
25 county and city weed board with at least fourteen days' notice of the time and place
26 at which the list will be reviewed and, no later than fourteen days after conclusion

1 of the review, shall provide each county and city weed board with written notice of
2 any changes to the state noxious weed list.

NOTE: NDCC Section 63-01.1-03.

3 **SECTION 7. County weed board - Members - Terms - Compensation.**

- 4 1. Each board of county commissioners shall:
- 5 a. Establish contiguous county weed board member areas; or
- 6 b. Determine that county weed board members must be appointed at large.
- 7 2. The board of county commissioners shall appoint a county weed board consisting
8 of three, five, or seven members. Members shall serve for a term of four years or
9 until their successors are appointed and qualified. The terms must be staggered
10 so that no more than two expire each year.
- 11 3. If the board of county commissioners has established county weed board member
12 areas as provided for in subsection 1, any qualified elector residing in the county
13 weed board member area is eligible to represent that area on the board. If the
14 board of county commissioners has determined that county weed board members
15 must be appointed at large as provided for in subsection 1, any qualified elector
16 residing in the county is eligible to serve on the county weed board.
- 17 4. A board member shall assume office at the first regular meeting of the county weed
18 board following that member's appointment.
- 19 5. The board of county commissioners shall remove a member of the county weed
20 board for repeated unexcused failures to attend meetings, for refusal to act as a
21 board member, or for incapacity. If a vacancy occurs on a county weed board, the
22 board of county commissioners, at its next regular meeting, shall appoint an
23 individual who possesses the necessary qualifications to fill the unexpired term.
- 24 6. a. The county weed board shall elect a chairman and a vice chairman from
25 among its members.
- 26 b. The county weed board shall appoint a secretary and a treasurer. The
27 secretary and treasurer need not be members of the board.
- 28 7. The board of county commissioners shall establish the rate of compensation for
29 county weed board members.

NOTE: NDCC Section 63-01.1-04.

1 **SECTION 8. County weed board - Jurisdiction.** The jurisdiction of a county weed
2 board extends to all land within the county but does not include any land within the corporate
3 limits of a city if that city has its own noxious weed control program under sections 2 through 33
4 of this Act.

NOTE: NDCC Section 63-01.1-03.1.

5 **SECTION 9. County weed board - Powers.** A county weed board may:

- 6 1. Expend funds from all available sources if it determines that the extent of noxious
7 weed infestation on certain land is so severe that control efforts would place an
8 extreme financial burden on the landowner.
9 2. Employ and compensate additional personnel to assist with noxious weed control
10 efforts.

NOTE: NDCC Section 63-01.1-04.3.

11 **SECTION 10. County weed board - Duties.** Each county weed board shall:

- 12 1. Implement a program for the control of noxious weeds;
13 2. Provide for the control of noxious weeds along county and township roads and
14 along county highways;
15 3. Establish the time and place of regular board meetings;
16 4. Meet at least once each year;
17 5. Keep minutes of its board meetings and a complete record of all official acts;
18 6. Control and disburse all moneys received by the county from any source for
19 noxious weed control;
20 7. 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 8. 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.

NOTE: NDCC Sections 63-01.1-04.1 and 63-01.1-09.

1 **SECTION 11. County weed board - Development of county weed list.**

- 2 1. A county weed board may designate as noxious certain weeds that are not on the
3 state noxious weed list, provided the county weed board consults with the North
4 Dakota state university extension service and that the designation is approved by
5 the commissioner.
- 6 2. Before January 1, 2010, and at least every five years thereafter, each county weed
7 board shall review its noxious weed list and, by majority vote, may remove any
8 weed from its list. The county weed board shall provide the commissioner with at
9 least fourteen days' notice of the time and place at which its list will be reviewed
10 and, no later than fourteen days after conclusion of the review, shall provide the
11 commissioner with written notice of any changes to the county list.
- 12 3. A county weed board shall immediately remove any noxious weed from its list
13 when directed to do so by the commissioner in accordance with section 5 of this
14 Act.

NOTE: NDCC Section 63-01.1-04.4. As per committee direction, this section requires that a county weed board remove a noxious weed from its list when directed to do so by the commissioner.

15 **SECTION 12. County weed control officer - Membership on county weed board -**
16 **Employment.**

- 17 1. A county weed control officer may serve as a member of the weed control board by
18 which the officer is employed if the officer is otherwise qualified to do so.
- 19 2. An individual may be employed as a weed control officer by several weed boards
20 simultaneously.

NOTE: NDCC Section 63-01.1-04.1. As per committee direction, this section authorizes a weed control officer to be employed by several weed boards and to serve as a member of an employing board.

21 **SECTION 13. County weed control officer - Powers.** A county weed control officer
22 may enter upon any land within the jurisdiction of the officer to perform duties and to exercise
23 powers under sections 2 through 31 of this Act, including taking specimens of weeds or other
24 materials, without the consent of the landowner or other person responsible for the land and
25 without being subject to any action for trespass or damages, provided reasonable care is
26 exercised.

NOTE: NDCC Section 63-01.1-08.

1 **SECTION 14. County weed control officer - Duties.** The county weed control officer
2 shall:

- 3 1. Cooperate with the board and be responsible for the operation and enforcement of
4 this chapter within the county;
- 5 2. Become acquainted with the location of noxious weeds within the county;
- 6 3. Meet the pesticide certification requirements set forth in chapter 4-35;
- 7 4. Encourage noxious weed control by all landowners and land occupants within the
8 county;
- 9 5. Investigate all signed complaints received by the officer regarding noxious weeds;
- 10 6. Post or publish in the official newspaper of the county any notices the
11 commissioner deems necessary to further noxious weed control under sections 2
12 through 33 of this Act;
- 13 7. Prepare reports as requested by the commissioner; and
- 14 8. Attend meetings called by the commissioner to further noxious weed control under
15 sections 2 through 33 of this Act.

NOTE: NDCC Sections 63-01.1-04.1, 63-01.1-05, and 63-01.1-05.1.

16 **SECTION 15. County noxious weed control program - Payment of expenses - Mill**
17 **levy authorization.**

- 18 1. The board of county commissioners may pay the expenses of a county noxious
19 weed control program authorized under sections 2 through 33 of this Act from the
20 county general fund, the noxious weed control fund, or both.
- 21 2. a. The county weed board may annually certify to the board of county
22 commissioners a tax, not to exceed two mills on the taxable valuation of all
23 property in the county, other than that which lies within the boundaries of a
24 city having a noxious weed control program under sections 2 through 33 of
25 this Act.
- 26 b. In addition to the levy authorized in subdivision a, the board of county
27 commissioners may levy an amount not to exceed two mills per dollar on the
28 taxable valuation of all property in the county, other than that which lies within
29 the boundaries of a city having a noxious weed control program under
30 sections 2 through 33 of this Act.

- 1 c. The board of county commissioners shall levy the taxes authorized by this
2 subsection and shall place those moneys in a separate fund designated as
3 the noxious weed control fund, which is used to pay the expenses of a county
4 noxious weed control program.
- 5 d. The tax may be levied in excess of the mill levy limit prescribed by law for
6 general purposes.
- 7 3. For purposes of this section, the expenses of a county noxious weed control
8 program include compensation for and the reimbursement of expenses incurred by
9 the county weed board, the county weed control officer, and other employees of
10 the board, and expenses incurred in the provision of noxious weed control, as
11 authorized by sections 2 through 33 of this Act.

NOTE: NDCC Section 63-01.1-06.

12 **SECTION 16. State appropriations for noxious weed control - County share -**
13 **Determination.**

- 14 1. The commissioner shall consult with the county weed boards and develop a
15 method for the distribution to county weed boards of all moneys appropriated by
16 the state for noxious weed control, other than the landowner assistance grants
17 provided for in section 17 of this Act.
- 18 2. The method must:
- 19 a. Limit the amount that any county weed board is entitled to receive under this
20 section to fifty percent of the board's actual expenditures under this section;
21 and
- 22 b. Allow the commissioner to waive the limit provided for in this subsection if the
23 commissioner determines that a noxious weed is seriously endangering areas
24 of the county or the state.

NOTE: NDCC Section 63-01.1-06.

25 **SECTION 17. State appropriations for noxious weed control - Landowner**
26 **assistance program.**

- 27 1. The commissioner shall consult with the county weed boards and develop a
28 formula for the distribution to county weed boards of all moneys appropriated by
29 the state for the landowner assistance program.

- 1 2. The formula must require that county officials budget, from county sources, an
2 amount equal to the revenue that could be raised by a levy of at least three mills
3 for noxious weed control; provided, however, that this amount does not apply to
4 property that lies within the boundaries of a city having a noxious weed control
5 program under sections 2 through 33 of this Act.
- 6 3. The formula must require that the landowner contribute an amount equal to at least
7 twenty percent of the cost to be expended on behalf of the landowner. The formula
8 may include payment-in-kind criteria by which the landowner's contribution may be
9 realized.

NOTE: NDCC Section 63-01.1-06.

10 **SECTION 18. Control of noxious weeds within cities.** The governing body of any
11 city having a population of three thousand or more may establish a program for the control of
12 noxious weeds within the jurisdictional limits of the city. If a program is not established, the
13 county weed board shall administer a program for the city.

NOTE: NDCC Section 63-01.1-10.1.

14 **SECTION 19. City weed board members - Terms - Compensation.**

- 15 1. If the governing body of a city elects to establish a noxious weed control program,
16 as authorized by section 18 of this Act, the governing body shall appoint a weed
17 board consisting of three, five, or seven members.
- 18 2. The term of office for a board member is four years or until a successor is
19 appointed and qualified. The terms must be staggered so that no more than two
20 expire each year.
- 21 3. Any qualified elector residing within the city is eligible to serve on the board.
- 22 4. A board member shall assume office at the first regular meeting of the city weed
23 board following the member's appointment.
- 24 5. The governing body of the city shall remove a member of the city weed board for
25 repeated unexcused failures to attend meetings, for refusal to act as a board
26 member, or for incapacity. If a vacancy occurs on a city weed board, the governing
27 body of the city, at its next regular meeting, shall appoint an individual who
28 possesses the necessary qualifications to fill the unexpired term.

- 1 6. The city weed board shall elect a chairman and a vice chairman from among its
2 members.
- 3 7. The city weed board shall appoint a secretary and a treasurer. The secretary and
4 treasurer need not be members of the board.
- 5 8. The governing body of the city shall establish the rate of compensation for city
6 weed board members.

NOTE: NDCC Section 63-01.1-07.1.

7 **SECTION 20. City weed board - Powers.** A city weed board may:

- 8 1. Expend funds from all available sources if it determines that the extent of noxious
9 weed infestation on certain land is so severe that undertaking control efforts would
10 place an extreme financial burden on the landowner.
- 11 2. Employ and compensate additional personnel to assist with noxious weed control
12 efforts.

NOTE: NDCC Section 63-01.1-07.3.

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 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.

NOTE: NDCC Section 63-01.1-07.2.

1 **SECTION 22. City weed board - Development of city weed list - Review - Removal.**

2 1. A city weed board may designate as noxious certain weeds that are not on the
3 state or county noxious weed list, provided the city weed board first consults with
4 the North Dakota state university extension service and that the designation is
5 approved by the commissioner.

6 2. Before January 1, 2010, and at least every five years thereafter, each city weed
7 board shall review its noxious weed list and, by majority vote, may remove any
8 weed from its list. The city weed board shall provide the commissioner with at
9 least fourteen days' notice of the time and place at which its list will be reviewed
10 and, within fourteen days of the review, shall provide the commissioner with written
11 notice of any changes to the city list.

12 3. A city weed board immediately shall remove any noxious weed from the board's list
13 when directed to do so by the commissioner in accordance with section 5 of this
14 Act.

NOTE: NDCC Section 63-01.1-07.1. As per committee direction, this section requires that a city weed board remove a noxious weed from its list when directed to do so by the commissioner.

15 **SECTION 23. City weed control officer - Membership on city weed board -**
16 **Employment.**

17 1. A city weed control officer may serve as a member of the weed control board by
18 which the officer is employed if the officer is otherwise qualified to do so.

19 2. An individual may be employed as a weed control officer by several weed boards
20 simultaneously.

NOTE: NDCC Section 63-01.1-07.2. As per committee direction, this section authorizes a weed control officer to be employed by several weed boards and to serve as a member of an employing board.

21 **SECTION 24. City weed control officer - Powers.** A city weed control officer may
22 enter upon any land within the jurisdiction of the officer to perform duties and to exercise
23 powers under sections 2 through 33 of this Act, including taking specimens of weeds or other
24 materials, without the consent of the landowner or other person responsible for the land and
25 without being subject to any action for trespass or damages, provided reasonable care is
26 exercised.

NOTE: NDCC Sections 63-01.1-07.5 and 63-01.1-08.

- 1 **SECTION 25. City weed control officer - Duties.** The city weed control officer shall:
2 1. Cooperate with the board and be responsible for the operation and enforcement of
3 sections 2 through 33 of this Act within the city;
4 2. Become acquainted with the location of noxious weeds within the city;
5 3. Meet the pesticide certification requirements set forth in chapter 4-35;
6 4. Encourage noxious weed control by all landowners and land occupants within the
7 city;
8 5. Investigate all signed complaints received by the officer regarding noxious weeds
9 within the city;
10 6. Post or publish in the official newspaper of the city any notices the commissioner
11 deems necessary to further noxious weed control under sections 2 through 31 of
12 this Act;
13 7. Prepare reports as requested by the commissioner; and
14 8. Attend meetings called by the commissioner to further noxious weed control under
15 sections 2 through 33 of this Act.

NOTE: NDCC Sections 63-01.1-05.1 and 63-01.1-07.2.

16 **SECTION 26. City noxious weed control program - Payment of expenses - Mill**
17 **levy authorization.**

- 18 1. The governing body of a city may pay the expenses of a city noxious weed control
19 program authorized under sections 2 through 33 of this Act from the city general
20 fund, the noxious weed control fund, or both.
21 2. a. The city weed board may annually certify to the governing body of a city a tax,
22 not to exceed two mills on the taxable valuation of all property in the city.
23 b. In addition to the levy authorized in subdivision a, the governing body of a city
24 may levy an amount not to exceed two mills per dollar on the taxable
25 valuation of all property in the city.
26 c. The governing body of a city shall levy the taxes authorized by this subsection
27 and shall place those moneys in a separate fund designated as the noxious
28 weed control fund, which is used to pay the expenses of a city noxious weed
29 control program.

- 1 d. The tax may be levied in excess of the mill levy limit prescribed by law for
2 general purposes.
- 3 3. For purposes of this section, the expenses of a city noxious weed control program
4 include compensation for and the reimbursement of expenses incurred by the city
5 weed board, the city weed control officer, and other employees of the board, and
6 expenses incurred in the provision of noxious weed control, as authorized by
7 sections 2 through 33 of this Act.

NOTE: NDCC Section 63-01.1-07.6.

8 **SECTION 27. Publicly owned land - Noxious weed control.** Each state agency shall
9 provide for the control of noxious weeds on land within its jurisdiction. If a state agency fails to
10 control noxious weeds on land under its jurisdiction, the county weed board, upon approval of
11 the commissioner, may enter upon the land to control the noxious weeds. The state agency
12 shall reimburse the county weed board for expenses incurred in controlling the noxious weeds,
13 within thirty days after the agency receives the bill.

NOTE: NDCC Section 63-01.1-13.

14 **SECTION 28. Noxious weed control - Enforcement responsibilities of other**
15 **agencies.** Law enforcement agents shall cooperate with the commissioner, a weed control
16 board, and a weed control officer for the purpose of enforcing sections 2 through 33 of this Act.

NOTE: NDCC Section 63-01.1-14.

17 **SECTION 29. Entry upon land for noxious weed control purposes - Notices -**
18 **Landowner rights - Remedial requirements - Liens.**

- 19 1. a. If a county weed officer determines that any land other than that referenced in
20 subsection 2 contains noxious weeds, the county weed control officer may
21 serve upon the landowner written notice, either personally or by certified mail,
22 requiring the landowner to control the noxious weeds within the time period
23 prescribed by the county weed control officer.
- 24 b. The notice must:
- 25 (1) Specify the minimal remedial requirements;
- 26 (2) Specify the time within which the landowner must meet the minimum
27 remedial requirements;

- 1 (3) Specify that the landowner may be subject to penalties provided under
2 sections 2 through 33 of this Act if the landowner fails to comply with
3 the remedial requirements;
- 4 (4) Include a statement of costs if the landowner fails to control the noxious
5 weeds and the county weed officer must provide for control of the
6 weeds; and
- 7 (5) Provide that the landowner may stay any efforts by the county weed
8 officer to control noxious weeds on the land by requesting in writing that
9 the county weed board hold a hearing on the matter.
- 10 c. The county weed officer shall deliver a copy of the notice personally or
11 forward a copy of the notice by certified mail to any tenant, lessee, or operator
12 of the land on which the noxious weeds are located.
- 13 d. If the landowner does not meet the minimum remedial requirements within the
14 time specified in the notice and does not request a hearing on the matter by
15 the county weed board, the county weed control officer may cause the
16 noxious weeds to be controlled and the expenses charged against the land of
17 the landowner. These expenses are part of the taxes to be levied against the
18 land for the ensuing year and must be collected in the same manner as other
19 real estate taxes.
- 20 e. If after holding a hearing on the matter, the county weed board directs that the
21 noxious weeds be controlled by the county weed officer, the landowner may
22 appeal the decision to the board of county commissioners. A decision by the
23 board of county commissioners is final.
- 24 f. If the landowner does not appeal the decision to the board of county
25 commissioners, or if the board of county commissioners upholds the decision
26 of the county weed board, the county weed control officer may cause the
27 noxious weeds to be controlled and any expenses incurred by the county
28 weed officer in controlling the weeds must be charged against the land of the
29 landowner. These expenses are part of the taxes to be levied against the
30 land for the ensuing year and must be collected in the same manner as other
31 real estate taxes.

- 1 appeal the decision to the governing body of the city. A decision by the
2 governing body is final.
- 3 f. If the landowner does not appeal the decision to the governing body of the
4 city, or if the governing body of the city upholds the decision of the city weed
5 board, the city weed control officer may cause the noxious weeds to be
6 controlled and any expenses incurred by the city weed officer in controlling
7 the weeds must be charged against the land of the landowner. These
8 expenses are part of the taxes to be levied against the land for the ensuing
9 year and must be collected in the same manner as other real estate taxes.

NOTE: NDCC Section 63-01.1-08.

10 **SECTION 30. Quarantine - Declaration - Hearing - Penalty.**

- 11 1. If the commissioner determines that a quarantine of this state or any portion
12 thereof may be necessary to prevent the spread of noxious weeds, the
13 commissioner shall schedule a public hearing on the matter and provide notice of
14 the hearing by publishing its time, place, and date in the official newspaper of each
15 county having land within the area of the proposed quarantine. If after the hearing
16 the commissioner orders the imposition of a quarantine, the order must include the
17 date by which or the circumstances under which the commissioner shall lift the
18 quarantine order.
- 19 2. If the commissioner determines that the imposition of an emergency quarantine is
20 necessary to prevent the spread of noxious weeds, the commissioner may impose
21 such an order for a period not to exceed fourteen days. Within the fourteen-day
22 period, the commissioner shall hold a public hearing as provided for in
23 subsection 1 and determine whether a quarantine order under subsection 1 should
24 be imposed.
- 25 3. Following the establishment of a quarantine, the movement of any product or
26 material described in the quarantine order is subject to the order.
- 27 4. Any person who violates a quarantine order issued under this section is guilty of a
28 class B misdemeanor.

NOTE: NDCC Section 63-01.1-12.1.

29 **SECTION 31. Preventing the dissemination of noxious weeds - Penalty.**

- 1 1. a. A person may not willfully transport any material that contains noxious weed
2 seeds or propagating parts, on a public road, in a manner that allows for the
3 dissemination of noxious weeds.
- 4 b. A person may not willfully drive or transport any equipment, on a public road,
5 in a manner that allows for the dissemination of noxious weeds.
- 6 c. A person may not willfully dispose of any material that contains noxious weed
7 seeds or propagating parts in a manner that allows for the dissemination of
8 noxious weeds.
- 9 2. Any person who violates this section is guilty of a class B misdemeanor.

NOTE: NDCC Sections 63-01.1-12 and 63-01.1-15.

10 **SECTION 32. Civil penalty.**

- 11 1. a. In addition to any other penalties provided for in sections 2 through 33 of this
12 Act, a person who violates sections 2 through 33 of this Act or any rules
13 adopted under this chapter is subject to a civil penalty in an amount not to
14 exceed eighty dollars per day for each day of violation, subject to a maximum
15 penalty of four thousand dollars per year.
- 16 b. Penalties imposed upon a landowner for failing to comply with the remedial
17 requirements, as set forth in section 29 of this Act, are a lien against the
18 property of the landowner from the day the notice is delivered to the
19 landowner under section 29 of this Act.
- 20 2. All penalties collected under this section must be credited to the noxious weed
21 control fund of:
- 22 a. The city in which the violation occurred if the city has a noxious weed control
23 program under sections 2 through 33 of this Act; or
- 24 b. The county in which the violation occurred.
- 25 3. Any penalties provided for under this section may be adjudicated by a court, a
26 county weed board, or a city weed board after a hearing.
- 27 4. An aggrieved person may appeal the imposition of a penalty by a county weed
28 board to the board of county commissioners. An aggrieved person may appeal the
29 imposition of a penalty by a city weed board to the governing body of the city.

30 **SECTION 33. Action on complaint - Request for hearing.**

- 1 1. a. If an individual filed a signed complaint with a county weed board or the
2 county weed control officer and if the individual believes that the complaint
3 has not been addressed satisfactorily within twenty-one days from the date of
4 the complaint, the individual may file a written request for a hearing with the
5 board of county commissioners.
- 6 b. Upon receiving a request for a hearing, the board of county commissioners
7 shall schedule a public hearing within twenty-one days and shall provide
8 notice of the hearing by publishing its time, place, and date in the official
9 newspaper of the county.
- 10 c. Within fourteen days after the hearing, the board of county commissioners
11 shall issue a determination regarding the matter and shall issue appropriate
12 directives to the county weed board.
- 13 d. A decision by the board of county commissioners under this section is final.
- 14 2. a. If an individual filed a signed complaint with a city weed board or the city weed
15 control officer and if the individual believes that the complaint has not been
16 addressed satisfactorily within twenty-one days from the date of the
17 complaint, the individual may file a written request for a hearing with the
18 governing body of the city.
- 19 b. Upon receiving a request for a hearing, the governing body of the city shall
20 schedule a public hearing and shall provide notice of the hearing by
21 publishing its time, place, and date in the official newspaper of the county.
- 22 c. Within fourteen days after the hearing, the governing body of the city shall
23 issue a determination regarding the matter and shall issue appropriate
24 directives to the city weed board.
- 25 d. A decision by the governing body of the city under this section is final.

NOTE: NDCC Section 63-01.1-18.

26 **SECTION 34. AMENDMENT.** Section 57-15-06.10 of the North Dakota Century Code
27 is amended and reenacted as follows:

28 **57-15-06.10. Optional consolidation of county mill levies.**

- 29 1. In lieu of determining its general fund levy limitation under section 57-15-01.1 or
30 57-15-06, a county may determine its general fund levy authority as provided in

1 this section. A county may consolidate the levies provided for under sections
2 4-02-26, 4-02-27, 4-02-27.1, 4-02-27.2, 4-02-37, 4-08-15, 4-08-15.1, 4-16-02,
3 4-33-11, 11-11-24, 11-11-53, 11-11-60, 11-11-65, 11-11.1-06, 11-28-06, 18-07-01,
4 24-05-01, 32-12.1-08, 40-38-02, 40-57.2-04, 49-17.2-21, 52-09-08, 57-15-06.4,
5 57-15-06.5, 57-15-06.6, 57-15-06.9, 57-15-10.1, 57-15-27.2, 57-15-54, 57-15-59,
6 57-47-04, and 61-04.1-26; and ~~63-04.1-06~~ section 15 of this Act, with its general
7 fund levy under section 57-15-06 to provide for a county general fund levy which
8 may not exceed one hundred thirty-four mills on the dollar of taxable valuation of
9 the county. A county that elects to determine its general fund levy authority under
10 this section may not impose separate levies under the sections listed in this
11 subsection and may not increase the number of mills levied in any one year over
12 the number levied in the previous year by more than the increase in the consumer
13 price index for all urban consumers, all items, United States city average, as
14 completed by the United States department of labor, bureau of labor statistics.

15 2. The consolidation of mill levies under subsection 1 may be accomplished by
16 resolution of the board of county commissioners, subject to the right of referendum
17 by the county electors. The board of county commissioners may by majority vote
18 adopt a preliminary resolution providing for the consolidated levy. The board shall
19 publish the preliminary resolution in the official newspaper of the county, at least
20 once during two different weeks within the thirty-day period immediately following
21 the adoption of the preliminary resolution. The board of county commissioners
22 shall hold at least one public hearing and receive comments regarding the
23 consolidation of mill levies. The preliminary resolution may be referred to the
24 qualified electors of the county by a petition protesting the consolidation. The
25 petition must be signed by ten percent or more of the total number of qualified
26 electors of the county voting for governor at the most recent gubernatorial election,
27 and filed with the county auditor before four p.m. on the ninetieth day after the
28 preliminary resolution is adopted. If the petition contains the signatures of a
29 sufficient number of qualified electors, the board of county commissioners shall
30 rescind the preliminary resolution or submit the resolution to a vote of the qualified
31 electors of the county at the next regular election or at a special election called by

1 the board of county commissioners to address the question. If a majority of the
2 qualified electors voting on the question approve the resolution, the consolidation
3 becomes effective for the next tax year and subsequent tax years. If a petition
4 protesting the consolidation is not submitted within ninety days, the board of county
5 commissioners shall consider the comments received regarding the consolidation
6 and either adopt a final resolution implementing the consolidation or rescind the
7 preliminary resolution. The consolidation of mill levies may be reversed by
8 resolution of the board of county commissioners following the same procedure
9 provided for implementation of the consolidation or by a majority vote of the
10 qualified electors of the county voting on the question pursuant to submission of a
11 petition to reverse the consolidation signed by ten percent or more of the total
12 number of qualified electors of the county voting for governor at the most recent
13 gubernatorial election.

14 3. A contractual obligation entered by a county with respect to a dedicated mill levy
15 may not be impaired as a result of consolidation of levies under this section.

16 **SECTION 35.** Chapter 63-01.1 of the North Dakota Century Code is repealed.