

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2371
(Senators Miller, Bowman, Flakoll)
(Representatives Froelich, Kilichowski, Kingsbury)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

63-01.1-06. Funding of county programs.

1. a. The board of county commissioners may pay expenses from the county general fund to further the county noxious weed control program under this chapter, including to provide noxious weed control or eradication along public highways in the county.
- b. The county weed board may certify annually to the board of county commissioners a tax, not to exceed two mills on the taxable valuation of all taxable property in the county, to carry out this chapter.
- c. The board of county commissioners by majority vote may certify up to two additional mills on the taxable valuation of all taxable property in the county, except property within the corporate limits of a city that establishes a program under this chapter.
- d. The board of county commissioners shall levy the tax.
- e. The county treasurer shall hold all taxes levied and collected in a separate fund known as the noxious weed control or eradication fund. Moneys in the fund must be used to pay the salaries and expenses of the county weed board and the county weed control officer, the expenses of noxious weed control or eradication along public highways in the county, and any other expenses incurred in the operation of a county noxious weed control or eradication program. The tax may be levied in excess of the mill levy limit prescribed by law for general purposes.
2. The commissioner shall allocate the county share of any legislative appropriation for noxious weed control or eradication to the county weed boards pursuant to a formula adopted by the commissioner, after consultation with county weed boards. A county weed board may not receive more than ~~one-half~~ seventy-five percent of the board's actual cost-share expenditures for noxious weed control or eradication from any legislative appropriation, unless the commissioner in consultation with the county weed board determines a noxious weed is seriously endangering areas of a county or the state.
3. To be eligible to receive landowner assistance cost-share dollars a county must levy at least three mills for noxious weed control or eradication. The request for cost-share dollars must be initiated by a county weed board by submitting a voucher and documentation. Upon approval of the voucher and documentation by the commissioner, the office of management and budget shall make the payment out of funds appropriated for the control or eradication of noxious weeds.

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

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

63-01.1-07.6. Funding of city programs.

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

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

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

1. The commissioner shall consult with the county and city weed boards and develop a method for the distribution to county and city weed boards of all moneys appropriated by

the state for noxious weed control, other than the landowner assistance grants provided for in section 17 of this Act.

2. The method must:
 - a. Limit the amount that any county or city weed board is entitled to receive under this section to ~~fifty~~ seventy-five percent of the board's actual expenditures under this section; and
 - b. Allow the commissioner to waive the limit provided for in this subsection if the commissioner determines that a noxious weed is seriously endangering areas of ~~the~~ a county, a city, or the state.

SECTION 4. County and city weed boards - Control of invasive species - Acceptance of funds.

1. If a county or a city weed board determines that an invasive species is present within its jurisdiction, the weed board shall notify the commissioner.
2.
 - a. If funds for the control of invasive species are available to the commissioner, the commissioner may forward the funds to a weed board for the purpose of controlling the invasive species on public land and assisting private landowners in their efforts to voluntarily control the invasive species provided:
 - (1) The commissioner determines that, without intervention, the invasive species is likely to become a noxious weed during the ensuing five-year period; and
 - (2) The weed board files a plan with the commissioner detailing the manner in which and the time within which the funds are to be expended.
 - b. Notwithstanding any other law, a county or a city weed board may accept funds under this subsection and implement a plan, approved by the commissioner, for the control of invasive species within its jurisdiction.
3. In addition to any funds available from the commissioner, a county or a city weed board may accept funds from any other source to control invasive species within its jurisdiction.
4. For purposes of this section, an invasive species means a plant species that has been introduced into this state and which the North Dakota state university extension service determines has caused or is likely to cause:
 - a. Economic harm;
 - b. Environmental harm; or
 - c. Harm to human health.

SECTION 5. ENVIRONMENT AND RANGELAND PROTECTION FUND - INVASIVE SPECIES CONTROL. The agriculture commissioner may use up to \$50,000 of the amount available to the commissioner from the environment and rangeland protection fund, in accordance with House Bill No. 1009, as approved by the sixty-first legislative assembly, for the purpose of controlling invasive species as provided by section 4 of this Act.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2371.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 89 Nays 1 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,

at _____ o'clock _____ M.

Secretary of State