

WEEDS

CHAPTER 638

SENATE BILL NO. 2046
(Legislative Council)
(Interim Agriculture Committee)

NOXIOUS WEED CONTROL

AN ACT to create and enact nine new sections to chapter 63-01.1 of the North Dakota Century Code, relating to establishing county weed boards, powers and duties of county weed boards, requiring certification and education of county weed control officers, establishment of a leafy spurge control program, funding of a leafy spurge control program, a mill levy assessment for a leafy spurge control program, and weed control quarantines; to create and enact chapter 63-05 of the North Dakota Century Code, relating to landowners or operators cutting weeds and grasses along county and township highways; to amend and reenact sections 63-01.1-01, 63-01.1-02, subsection 4 of section 63-01.1-03, sections 63-01.1-04, 63-01.1-05, 63-01.1-06, 63-01.1-08, 63-01.1-09, 63-01.1-10.1, 63-01.1-13.1, and 63-01.1-16 of the North Dakota Century Code, all relating to noxious weed control; to repeal sections 63-01.1-10 and 63-01.1-11 of the North Dakota Century Code, relating to township control of noxious weeds along township roads, and landowners or operators cutting weeds and grasses along county and township highways; and providing a penalty.

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

SECTION 1. AMENDMENT. Section 63-01.1-01 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

63-01.1-01. CONTROL AND ERADICATION OF NOXIOUS WEEDS. It shall be the duty of every person in charge of or in possession of land in this state, whether as landowner, lessee, renter, or tenant, under statutory authority or otherwise, to eradicate or to control the spread of noxious weeds on those lands owned-or-controlled-by him-in-the-state-of-North-Dakota.

SECTION 2. AMENDMENT. Section 63-01.1-02 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

63-01.1-02. DEFINITIONS. As used in this chapter:

1. ~~"Person" means any individual, partnership, firm, corporation, company, society, association, the state or any department, agency, or subdivision thereof, or any other entity which occupies or controls land or which causes noxious weed seeds or propagating parts to be disseminated or transported in North Dakota.~~
 2. ~~"Control", "controlled", or "controlling" includes being in charge of or being in possession of land, whether as owner, lessee, renter, tenant, under statutory authority, or otherwise.~~
 3. ~~"Commissioner" herein referred to means the duly elected North Dakota state commissioner of agriculture.~~
 4. ~~"Noxious weed" means any plant propagated by either seed or vegetative parts which is determined by the commissioner after consulting with the state cooperative extension service, or a county control authority after consulting with the county extension agent, to be injurious to public health, crops, livestock, land, or other property.~~
 5. ~~"Control authority" means the commissioner and those he may designate to act in his behalf, and the governing body of each county, organized township, and city in North Dakota.~~
 6. ~~"Control" as applied to weed control means to prevent the spread of any noxious weed, designated by the commissioner, by seed or any other propagating part thereof.~~
1. "Board member area" means a geographical area within the county from which a member of the weed board is appointed.
 2. "Commissioner" means the North Dakota state commissioner of agriculture.
 3. "Control" means to prevent the spread of any noxious weed, designated by the commissioner or other control authority, by seed or any other propagating part.
 4. "Control authority" means the commissioner and those he may designate to act in his behalf, and the county weed board.
 5. "County weed board" means members of the board of each county as appointed by the county commissioners of the county pursuant to section 63-01.1-04.

6. "County weed control officer" means the person appointed or designated by the county weed board to be responsible for the operation and enforcement of this chapter within each county.
7. "Eradicate" or "eradication" means to destroy a plant so that it is not viable.
8. "Landowner" means any owner of federal, state, municipal, or private land, under statutory authority or otherwise, but does not include a lessee, renter, tenant, operator, or an owner of any easement or right of way.
9. "Noxious weed" means any plant propagated by either seed or vegetative parts which is determined by the commissioner after consulting with the state cooperative extension service, or a county weed board after consulting with the county extension agent, to be injurious to public health, crops, livestock, land, or other property.
10. "Operator" means the person chiefly responsible for the farming or other operations being performed on the land, whether for self-benefit, or for the benefit of the landowner or another.
11. "Person" means any individual, partnership, firm, corporation, company, society, association, the state, or any department, agency, or subdivision thereof, or any other entity which occupies or owns land or which causes noxious weed seeds or propagating parts to be disseminated or transported in North Dakota.

SECTION 3. AMENDMENT. Subsection 4 of section 63-01.1-03 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. The commissioner shall cooperate with the county, ~~township, and city authorities,~~ local weed board, county weed control officers, highway patrol officers, county sheriffs, the truck regulatory division, and others in carrying out his duties under this chapter. He shall also encourage the state cooperative extension service to disseminate information and to conduct educational campaigns with respect to eradication and control of noxious weeds.

SECTION 4. A new section to chapter 63-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

COUNTY WEED BOARD - JURISDICTION. All land within the boundaries of North Dakota, including all federal, state, private, and municipally owned lands, is included in the county weed board's jurisdiction within the county in which the land is located.

SECTION 5. AMENDMENT. Section 63-01.1-04 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

63-01.1-04. ~~GOVERNING--BODY~~ COUNTY WEED BOARD AS CONTROL AUTHORITY --POWERS-AND-DUTIES.

1. ~~The county weed board of--county-commissioners of each county in the state shall be the control authority for that county,--the--board--of--township-supervisors-in--each organized-township-in--the--state--shall--be--the--control authority-for-that-township,--and-the-city-council-or-board of-city-commissioners-of-each-city-in-the-state--shall--be the-control-authority-for-that-city.~~
 2. ~~The--governing--body--shall--appoint--or--designate--a--weed control-officer-who--shall--cooperate-with-the--commissioner and--be--responsible-for-operation-and-enforcement-of--this chapter-within-the-county.--Such-officer-may-be--a--member of--the--governing-body-or-may-be-any-other-interested-and able-person.--The-same-person-may-serve--as--weed--control officer--for-more-than-one-governing-body.--Employment-may be-for-such-tenure,--and-at-such-rates-of-compensation--and reimbursement--for--travel--expenses-as-the-governing-body may--prescribe--and--shall--be--without--regard--to--any provisions--of--law--relating-to-age-or-dual-compensation. The-appointment-or-designation-of-a-weed--control--officer shall--be--certified--by--the--governing--authority-to-the commissioner-~~
 3. ~~The-control-authority-of-any-county,-city,-or-township-may expend-such-funds-from-these-sources-authorized-in-section 63-01.1-06--for--the-purpose-of-controlling-noxious-weeds, in--addition--to--any--other--expenditures--for--control authorized--by--this-chapter,--when-such-weeds-have-grown-on any-public-or-private-land-and-the-control-authority-finds that--the--extent--of--such--weeds-is-so-severe-that-their eradication-would-constitute-an-extreme--financial--burden upon-the-person-otherwise-liable-for-such-expense-~~
 4. ~~The-control--authority--of--any--county--may--develop-and compile-a-county-list-of-noxious-weeds-for-the-purposes-of such--county.--Any--such-county-list-shall,--at-a-minimum, contain--those--noxious--weeds--determined--by--the commissioner.--The-commissioner--may--remove--the-county noxious-weed-determination--from--the-county--list--after consulting--with-the-board-of-county-commissioners-and-the state-cooperative-extension-service-~~
 5. ~~Any--control--authority--shall--cooperate--with--any-other control-authority-~~
2. The board of county commissioners of each county shall hold a public meeting for appointing a county weed board

prior to July 21, 1981. Prior to the meeting the board of county commissioners shall establish the number of members of the board and shall establish board member areas. Each board member area shall be contiguous. Notice of the meeting shall be given in the same manner as other election notices are posted.

3. The board of county commissioners shall appoint a county weed board which shall consist of five or seven members. Members shall serve for a term of four years or until their successors are appointed and qualified. The terms of members shall be staggered so that the terms of no more than two members shall expire each year. Any qualified elector, in the board member area he is appointed to represent, is eligible for membership on the board.
4. All county weed board members shall be appointed by the board of county commissioners prior to August 5, 1981. In counties encompassing cities or towns with a population of five thousand or more, one board member shall be appointed from within the city limits of a city or town. A board member shall assume office at the first regular meeting of the county weed board following that member's appointment.
5. The board of county commissioners shall remove a member of the county weed board for repeated unexcused failure to attend meetings or for refusal or incapacity to act as a board member. When a vacancy occurs on a county weed board, the board of county commissioners, at its next regular meeting, shall appoint an individual, who possesses the necessary qualifications, as a board member to fill the unexpired term.
6. At its first regular meeting, the county weed board shall elect from its members a chairman and a vice chairman, and appoint a secretary and a treasurer. The secretary and treasurer need not be members of the board. The board of county commissioners may set rates of compensation for board members. Board members are entitled to reimbursement for actual and necessary expenses and a mileage allowance at the rate established for state employees.

SECTION 6. A new section to chapter 63-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

POWERS AND DUTIES OF COUNTY WEED BOARD.

1. The county weed board shall appoint or designate a county weed control officer who shall cooperate with the board and be responsible for operation and enforcement of this chapter within the district. The officer may be a member of the county weed board or may be any other interested

- and able person. The same person may serve as weed control officer for more than one county weed board. Employment shall be for a tenure and at rates of compensation and reimbursement for travel expenses as the county weed board may prescribe and shall be without regard to any provisions of law relating to age or dual compensation. The appointment or designation of a county weed control officer shall be certified by the county weed board to the commissioner.
2. The county weed board may expend funds from those sources authorized in section 63-01.1-06 for the purpose of controlling noxious weeds, in addition to any other expenditures for control authorized by this chapter, when weeds have grown on any public or private land and a control authority finds that the extent of the weeds is so severe that their eradication would constitute an extreme financial burden upon the person otherwise liable for the expense.
 3. The county weed board may develop and compile a county list of noxious weeds. Any county list shall, at a minimum, contain those noxious weeds determined by the commissioner. The commissioner may remove a county weed board noxious weed determination from the county list after consulting with the board and the state cooperative extension service.
 4. County weed boards shall cooperate with all other control authorities.
 5. The county weed board shall implement and pursue an effective program for control of noxious weeds.
 6. The county weed board shall fix the time and place of regular meetings, which shall occur at least once each year and shall be open to the public. The first regular meeting shall be held prior to August 15, 1981. The board shall keep minutes of all meetings and a complete record of all official acts.
 7. The county weed board shall make at least one annual inspection to determine the progress of weed control activities within the county.
 8. The county weed board shall control and disburse all moneys received by the county, for weed control, from any source.
 9. The county weed board shall render technical assistance to any city with a population of three thousand or more which establishes a program as provided in section 63-01.1-10.1.

SECTION 7. AMENDMENT. Section 63-01.1-05 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

63-01.1-05. DUTIES OF COUNTY WEED CONTROL OFFICER. The county weed control officer shall:

1. Cooperate with the county weed board, other control authorities and weed control officers, the county extension agent, county land users, the commissioner, and others in furtherance of the provisions of this chapter.
2. Become acquainted with the location of noxious weeds on all land within the ~~jurisdiction-of-the-control--authority~~ county.
3. Through personal contact, by letter, telephone, or other means, encourage noxious weed control or eradication by all landowners or occupants within the ~~control--authority~~ area county.
4. Investigate all complaints received by himself, the ~~control--authority~~ 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 person--controlling--the--land--which--notice shall---require--that--person 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 ~~control--authority~~ 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 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 ~~such~~ such weeds and grasses to be cut or controlled and the expenses ~~shall~~ shall to be charged against the land of the landowner ~~ex--such---persons~~ controlling-the-land-and.

When noxious weeds in an area of more than three acres in each forty-acre area, in which a crop is 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 and such persons controlling the land shall be subject to the penalties provided in section 63-01.1-15. Complaints, subject to the approval of the ~~control--authority~~ weed board, may be initiated by the weed control officer, and notice served in accordance with this subsection.

5. Cause to be posted or inserted in official newspapers ~~such~~ those official notices as the commissioner may deem necessary in the furtherance of this chapter.
6. Prepare reports as requested by the commissioner.
7. Attend area or statewide meetings called by the commissioner for the purpose of assisting in the effective execution of this chapter.
8. Serve as county seed inspector for the purposes of enforcing ~~such~~ the laws and regulations under the jurisdiction of the North Dakota state seed department as shall be directed by the state seed commissioner.

SECTION 8. A new section to chapter 63-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

CERTIFICATION OF COUNTY WEED CONTROL OFFICERS - EXTENSION DIVISION EDUCATIONAL PROGRAM.

1. The commissioner shall adopt rules setting forth the requirements for certification of county weed control officers, after consultation with the director of the agricultural experiment station and the director of the extension division, Fargo, or their respective designees. The commissioner shall certify all persons meeting the established requirements. All appointed or designated county weed control officers shall be certified pursuant to the rules and requirements adopted by the commissioner before assuming duties pursuant to this chapter.
2. The extension division of North Dakota state university of agriculture and applied science shall establish a program designed to provide educational instruction sufficient to comply with the requirements of certification adopted by the commissioner. The program shall be offered to local weed control officers at reasonable times and places as determined by the director of the extension division.

SECTION 9. AMENDMENT. Section 63-01.1-06 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

63-01.1-06. FUNDING OF PROGRAMS.

1. The board of county commissioners may pay expenses from the general fund expenses in any one year in furtherance of this ~~weed control~~ chapter, including weed control along ~~county~~ public highways in the county. ~~The board of county commissioners of any county, when it deems it necessary or when petitioned by at least five percent of the voters voting in the last general election, may submit the question of whether to levy~~ 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 therein, ~~to the electorate of the county 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 a separate fund to be known as the weed control fund, which shall be used only to carry out the provisions of this chapter. The levy ~~may~~ shall be made to cover the salary and expenses of the county weed board, county weed control officer, the expense of weed control along ~~county~~ public highways in the county, and other expenses incurred in the operation of an effective weed control program in the county. ~~Upon approval of sixty percent of the voters of the county voting on the question, the~~ The tax may be levied in excess of the mill levy limit prescribed by law for general purposes.
2. ~~The township board of supervisors may pay for any expenses incurred in control of noxious weeds in accordance with the provisions of this chapter in the manner provided in section 63-01.1-10. Expenses of any township may also be paid by a township tax levy made by the township board of supervisors in the manner provided for a county levy under subsection 1.~~
3. ~~The governing body of any city may pay any expenses incurred by it in carrying out the provisions of this chapter from such city's general fund revenues. 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 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 noxious weed control from any legislative appropriation, unless the appropriation provides assistance in noxious weed control to a board or city under subsection 3 of this section.

3. If a county weed board determines a weed is seriously endangering areas of a county or the state, assistance in control may be provided by legislative appropriation for this purpose, the commissioner shall allocate the appropriation accordingly, and the commissioner and each affected county weed board and city which establishes a program under section 63-01.1-10.1 shall be responsible for ensuring that the funds are properly expended.
4. The request for allocated funds pursuant to subsections 2 and 3 of this section shall be initiated by the county weed board or city which establishes a program under section 63-01.1-10.1 by submitting a voucher and documentation. Upon approval of the voucher by the commissioner, payment shall be made by the office of management and budget out of funds appropriated for control of weeds.

SECTION 10. AMENDMENT. Section 63-01.1-08 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

63-01.1-08. ENTRY UPON LAND FOR WEED CONTROL PURPOSES - REMEDIAL REQUIREMENTS - LIENS - PENALTY.

1. The commissioner, any control authority, county weed control officer, or anyone authorized thereby, may enter upon all land under their jurisdiction for the purpose of performing their duties and exercising their powers under this chapter, including the taking of specimens of weeds or other materials, without the consent of the ~~person owning or controlling such land~~ landowner, lessee, renter, tenant, or operator, and without being subject to any action for trespass or damages, including damages for destruction of growing crops, if reasonable care is exercised.
2. If any land is found to be infested with noxious weeds by the commissioner, any control authority, county weed control officer, or other authorized person, the county weed board, by resolution adopted by two-thirds of its members, may confirm the fact. The board may set forth minimum remedial requirements for control of the infested property. The board shall deliver, personally or by certified mail, to the address of the landowner of the infested land:
 - a. A copy of the resolution.

- b. A statement of the cost of fulfilling the requirements for control.
- c. A request that the requirements contained in the resolution be carried out at the landowner's expense within five days, unless additional time is requested from and granted by the board, or on a cooperative basis. If the landowner resides in another state, an additional time of not less than thirty days shall be granted to the landowner for control and eradication purposes.
3. A copy of the resolution shall be sent by certified mail to any lessee, renter, tenant, or operator of the land.
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 and credited to the state school fund.
5. When noxious weeds in an area of more than three acres in each forty-acre area, in which a crop is 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 11. AMENDMENT. Section 63-01.1-09 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

63-01.1-09. COUNTY ~~COMMISSIONERS~~ WEED BOARD TO DESTROY NOXIOUS WEEDS ALONG ~~COUNTY~~ HIGHWAYS. The county ~~commissioners~~ weed board shall eradicate or control noxious weeds as defined in this ~~law chapter~~ along all ~~county~~ public highways within the county and the expense thereof shall be paid from funds as provided in section 63-01.1-06.

SECTION 12. AMENDMENT. Section 63-01.1-10.1 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

63-01.1-10.1. CITIES TO CONTROL NOXIOUS WEEDS WITHIN CITIES.

1. The governing body of any city, when--acting with a population of three thousand or more, may act as a control authority, shall--eradicate-or-control-noxious-weeds-when found-within-or-adjacent-to-such-city, and may establish and administer a program for the control of weeds within the jurisdictional limits of the city. If a program is not established, the county weed board shall administer a program for the city.
2. The governing body of any city with a population of three thousand or more may levy a tax, not to exceed two mills on the net assessed valuation of property within the corporate limits of the city, to establish and administer the program.
3. Moneys received by the cities from the levy may be used in any phase of weed control as determined by the governing body of the city. The control program shall include work on weeds included on any county or state noxious weed list.
4. The governing body of a city which establishes a control program may petition the commissioner of agriculture for special assistance in funding authorized by section 63-01.1-06.
5. The governing body of any city may act in conjunction with any other control authority or officer also required to act under this chapter.

SECTION 13. AMENDMENT. Section 63-01.1-13.1 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read 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 ~~control--authority~~ weed board for the county in which all or a portion of the land owned and leased by the game and fish department is located may, upon approval of the commissioner, enter upon the land owned and leased by the game and fish department for the purposes of destruction, control, or prevention of noxious weeds. All expenditures by a county ~~control--authorities~~ weed board for destruction, control, or prevention of noxious weeds on game and fish lands pursuant to this section shall be reimbursed by the state game and fish department to the ~~county-control-authority~~ board upon adequate certification by the ~~county-control-authority~~ board.

SECTION 14. AMENDMENT. Section 63-01.1-16 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

63-01.1-16. ALLEGATIONS OF NONCOMPLIANCE. Any landowner or occupant, lessee, renter, tenant, or operator may call attention to noncompliance with this chapter, or the rules, regulations, or notices promulgated thereunder adopted pursuant to it, by filing his a complaint in writing with the local county weed control officer who or the county weed board. The officer or board shall take the necessary action.

SECTION 15. A new section to chapter 63-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

LEAFY SPURGE CONTROL PROGRAM. A leafy spurge control program is authorized and shall be carried out as provided by sections 15 through 17 of this Act, within the limits of legislative appropriation therefor. As used in this chapter leafy spurge refers to all perennial species of the genus euphorbia, except those designated by the commissioner. All state and local government entities shall comply with the leafy spurge program established and administered by the commissioner pursuant to this Act. The commissioner is authorized to fund treatment programs for other designated noxious weeds from the remainder of any legislative appropriation not expended for the leafy spurge control program by the end of the first year of the biennium for which the moneys were appropriated.

SECTION 16. A new section to chapter 63-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

LEAFY SPURGE CONTROL PROGRAM FUNDING. The leafy spurge control program shall be funded by landowner, county weed board, city, and state contributions as follows:

1. Landowners shall contribute 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 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.
2. Except as provided in subsections 1 and 3 of this section, county weed boards and cities which establish a program under section 63-01.1-10.1, shall contribute the total cost of the leafy spurge treatment program on private lands and lands within the board or city's jurisdiction with funds available under section 17 of this Act.

3. The state shall contribute the total cost of the leafy spurge treatment program on state lands plus the amount under subsection 2 of this section which cannot be funded by a county weed board or city under section 17 of this Act, subject to the limitation on expenditures from legislative appropriations set forth in subsection 2 of section 63-01.1-06.
4. Any legislative appropriation for the leafy spurge control program of sections 15 through 17 of this Act shall be expended only for reimbursement of the cost of leafy spurge control according to this section to private landowners, including lessees, tenants, renters, or operators of private land, county weed boards, or cities.

SECTION 17. A new section to chapter 63-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

LEAFY SPURGE MILL LEVY. The board of county commissioners in each county and the governing body of a city which establishes a program under section 63-01.1-10.1 may levy a tax, not to exceed one mill on the net assessed valuation of all taxable property within its jurisdiction, to fund the contributions to the leafy spurge control program. However, the board of commissioners may not levy the tax on property within the corporate limits of a city which establishes a program under section 63-01.1-10.1. The tax may be levied in excess of the mill levy limit prescribed by law for general purposes. At the request of the county weed board or on the initiative of the board of county commissioners, or on the initiative of the governing body of a city which establishes a program under section 63-01.1-10.1, the tax levy authorized by this section shall not be made when no longer needed for the purposes of the leafy spurge control program. Funds necessary to carry out the provisions of the leafy spurge control program in excess of the revenue derived from the one mill levy authorized by this section shall be funded by the state under subsection 3 of section 16 of this Act.

SECTION 18. A new section to chapter 63-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

QUARANTINE PERIOD - FARM PRODUCTS AND AREA DEFINED.

1. Whenever the commissioner, the county weed board, or anyone authorized thereby finds any area of the state to be infested with noxious weeds, and it is established that farm products from that area are liable to spread noxious weeds into other areas to the injury of others, the commissioner shall, without unnecessary delay, declare a quarantine against the area to prevent the transfer of farm products from the quarantined area. When it is ascertained that noxious weeds are likely to be introduced

into North Dakota by the importation of farm products, the commissioner shall declare a quarantine against the importation of those farm products.

2. The commissioner shall declare an individual county quarantine when requested by resolution adopted by a two-thirds majority of the county weed board of the county in which the quarantine is to be declared.
3. For the purposes of this section, "area" means a geographical section of land as identified by the commissioner, which may include cities and counties or any portion of a city or county.
4. For the purposes of this section, "farm products" means all crops, crop products, plants or portions thereof, but shall not mean livestock.

SECTION 19. A new section to chapter 63-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

CANNABIS CONTROL PROGRAM. A cannabis control program is authorized and shall be carried out as provided by sections 19 and 20 of this Act, within the limits of legislative appropriation therefor. As used in this chapter, cannabis refers to annual species of the genus cannabis, also known as marijuana. All state and local government entities shall comply with the cannabis control program established and administered by the commissioner pursuant to this Act.

SECTION 20. A new section to chapter 63-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

CANNABIS CONTROL PROGRAM FUNDING. The cannabis control program shall be funded by landowner, county weed board, and state contributions as follows:

1. Landowners shall contribute 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 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.
2. Except as provided in subsections 1 and 3 of this section, county weed boards and cities which establish a program under section 63-01.1-10.1 shall contribute the total cost of the cannabis treatment program on private lands and lands within the board or city's jurisdiction.

3. The state shall contribute the total cost of the cannabis treatment program on state lands plus the amount under subsection 2 of this section 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.
4. Any legislative appropriation for the cannabis control program of sections 19 and 20 of this Act shall be expended only for reimbursement of the costs of cannabis control according to this section to private landowners, including lessees, tenants, renters, or operators of private land, county weed boards, or cities.

SECTION 21. Chapter 63-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

63-05-01. LANDOWNERS OR OPERATORS ALONG COUNTY AND TOWNSHIP HIGHWAYS TO CUT WEEDS AND GRASSES. It is the duty of landowners or operators with land adjoining regularly traveled county and township highways, as designated by the township board of supervisors in organized townships, the board of county commissioners in unorganized townships, and the board of county commissioners in the case of county highways, to cut all weeds and grasses along the regularly traveled highways adjoining their lands, including weeds and grasses growing within the public right of way bordering the highways and their lands. The cutting shall be completed not later than September fifteenth or October first, as prescribed by the board of county commissioners.

63-05-02. DESIGNATION OF TIME FOR CUTTING - NOTICE. The board of county commissioners of each county shall prescribe the time for cutting of the weeds and grasses, designate the county highways along which weeds and grasses shall be cut, and request the board of township supervisors to designate township roads along which weeds and grasses shall be cut. The board of township supervisors shall make the designation, and the board of county commissioners shall publish notice of the designated highways and the time for cutting in the official county newspaper at least twice, and the last publication shall appear not less than two weeks prior to the deadline date. If no official newspaper is published in the county, written notice shall be given by posting, in the same manner as election notices are posted. Expenses incurred in

publishing the notice shall be paid from funds provided in section 63-01.1-06 by the board of county commissioners.

63-05-03. FAILURE TO CUT WEEDS AND GRASSES - EXPENSES LEVIED AS TAXES AGAINST LAND. If the landowner or operator fails to cut the weeds and grasses along the designated highways or roads as provided in this chapter, the board of township supervisors or the board of county commissioners, as the case may be, may cause the weeds and grasses to be cut and the actual expense of cutting shall be certified to the county auditor, and all of the expenses shall be charged against the land of the landowner and 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.

63-05-04. DEFINITION OF "OPERATOR". As used in this chapter, the word "operator" means a person chiefly responsible for the farming or other operations being performed on the land, whether for his own benefit or for the benefit of the landowner or another.

SECTION 22. REPEAL. Sections 63-01.1-10 and 63-01.1-11 of the 1979 Supplement to the North Dakota Century Code are hereby repealed.

Approved April 8, 1981