

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 94

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO NOXIOUS WEEDS; AMENDING SECTION 22-2405, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING COUNTY DUTIES ASSOCIATED WITH CERTAIN NOTICES AND
3 TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING
4 AN EFFECTIVE DATE.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 22-2405, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 22-2405. COUNTY DUTIES. (1) The county control authority shall:

10 (a) Carry out the duties and responsibilities vested in the county un-
11 der this chapter and rules prescribed by the director; and

12 (b) Establish and maintain a coordinated program for control of noxious
13 weeds in the county; employ a county weed superintendent, who may be a
14 superintendent for more than one (1) county and who shall be qualified
15 to detect and treat noxious weeds; and

16 (c) Designate one (1) of its members as the liaison between the county
17 weed superintendent and the county commissioners; and

18 (d) Provide operational and educational funds for the county weed su-
19 perintendent; and

20 (e) Be authorized to initiate cooperative agreements with other agen-
21 cies or counties for the designation of or participation in cooperative
22 weed management areas for control of noxious weeds.

23 (2) A general notice for control of noxious weeds shall be published
24 between March 1 and April 30^r in a newspaper of general circulation within
25 the county. The notice shall contain the list of noxious weeds and identify
26 those known to be in the county^r and shall stipulate the obligation to con-
27 trol. Failure to publish the notice for control or serve individual notices
28 herein provided does not relieve any person from full compliance with this
29 chapter thereunder. In all cases said published notice shall be deemed legal
30 and sufficient notice.

31 (3) Whenever any county finds it necessary to secure more prompt or def-
32 inite control of noxious weeds than is accomplished by the general notice,
33 it shall cause individual notices on a form prescribed by the director to be
34 served upon the landowner and where possible on the operator of the land giv-
35 ing specific instructions when and how certain named noxious weeds are to be
36 controlled. The individual notice shall also contain information concern-
37 ing the right to appeal pursuant to section 22-2408, Idaho Code. Individual
38 notices shall be applicable only to the current growing season.

39 (4) Whenever the landowner of any nonfederal land or nonfederally ad-
40 ministered land on which noxious weeds are present has neglected or failed to
41 initiate control as required pursuant to this chapter within five (5) work-
42 ing days from receipt of an individual notice given pursuant to this sec-

1 tion, the county having jurisdiction shall have proper control methods used
2 on such land, including necessary destruction of crops, and shall advise the
3 landowner of the cost incurred in connection with such operation. If the
4 landowner is not known or readily available, notice shall be deemed satis-
5 fied after eight (8) days from the notice's postmark or certified registered
6 receipt to the address as shown on the assessment roll of the county. The
7 cost of any such control shall be at the expense of the landowner. If the
8 costs have not been paid to the control authority within sixty (60) days,
9 the control authority may direct that suit be brought in a court of compe-
10 tent jurisdiction for the unpaid charges. On private lands, if unpaid for
11 sixty (60) days or longer, the amount of such expense shall become a lien upon
12 the property; and thereafter the lien shall be subject to collection by the
13 county by sale of the property in the same manner as for delinquent taxes.
14 Nothing contained in this section shall be construed to require satisfaction
15 of the imposed obligation by the sale of property or to bar the application of
16 any other available remedy.

17 (5) Amounts collected under the provisions of this section shall be de-
18 posited to the noxious weed fund of the county and shall be accounted for as
19 prescribed by the county auditor. Disbursements from the noxious weed fund
20 shall be made only for noxious weed control purposes.

21 (6) The county weed superintendent shall:

22 (a) Examine all land within the county for the purpose of determining
23 whether the provisions of this chapter and rules of the director have
24 been complied with; and

25 (b) Compile data and submit reports as the director or county may re-
26 quire; and

27 (c) Implement enforcement action as outlined in this chapter; and

28 (d) Consult, advise and provide direction on matters pertaining to the
29 most effective and most practical methods of noxious weed control; and

30 (e) Investigate or aid in the investigation and prosecution of any vio-
31 lation of the provisions of this chapter; and

32 (f) Make recommendations regarding establishment of cooperative weed
33 management areas; and

34 (g) Participate on weed control advisory committees to develop and im-
35 plement noxious weed control strategies for cooperative weed manage-
36 ment areas, at the discretion of the county weed control authority.

37 SECTION 2. An emergency existing therefor, which emergency is hereby
38 declared to exist, this act shall be in full force and effect on and after
39 July 1, 2023.