

WEEDS

CHAPTER 139.

(H. B. No. 118—Johnson of Cass.)

COMMISSIONER OF NOXIOUS WEEDS.

AN ACT to Amend and Re-enact Sections 624 and 625 of the Compiled Laws of North Dakota for the year 1913 as Amended by Chapter 252 of the Laws of North Dakota for the year 1917 and by Chapter 25 of the Laws passed by the Special Session of the Legislative Assembly of North Dakota in 1919, relative to the Commissioner of noxious weeds.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 624 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 252 of the Laws of North Dakota for the year 1917 and as further amended by Chapter 25 of the Laws passed by the Special Session of the Legislative Assembly of North Dakota in 1919 is hereby amended and re-enacted to read as follows:

§ 624. WEED COMMISSIONERS. HOW APPOINTED.] The Board of County Commissioners must, when petitioned by at least one-tenth of the freeholders in such county, or at any time when deemed advisable may, without petition, appoint some competent person in each commissioners district of said county, who shall be styled "Commissioner of Noxious Weeds," who shall take the oath required of county officers and shall hold his office for the term of one year and until his successor is appointed and qualified each such commissioner shall receive as compensation the sum of five dollars per day for each day necessarily spent in the performance of his duties and mileage at the rate of ten cents per mile for each mile necessarily traveled. The Board of County Commissioners, may, at any time, for a good cause, remove any weed commissioner from office and appoint a successor to serve the remaining portion of his time. All the powers and duties of the township supervisors, city council or board of trustees, as defined and set forth in Article 28 on page 5 of the Political Code of the Compiled Laws of 1913 are hereby transferred to and made part of the duties and powers of the County Commissioners of each county and the duties in said Article 28 imposed upon commissioners of noxious weeds are hereby transferred to and made a part of the duties of weed commissioners appointed by virtue of this Act. Said weed commissioners shall also perform such other duties as may hereafter be imposed upon them by law. Any weed commissioner shall have the power and authority, with the approval of the Board of County Commissioners, to appoint one or more deputies who shall re-

ceive as a compensation such amount as shall be fixed by the Board of County Commissioners at any regular or special meeting, and who shall hold office until removed by the weed commissioner, or by the Board of County Commissioners. Each weed commissioner appointed under the provisions of this Act shall have power and authority to employ all the assistance necessary to carry out the provisions of this or any other Act relating to noxious weeds.

§ 2. The Section 627 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 252 of the Laws of North Dakota for the year 1917, as amended by Chapter 25, Special Session Laws of 1919 is hereby amended to read as follows:

§ 627. It shall be the duty of the Board of County Commissioners to pay, out of the general fund, the salary and mileage of each commissioner of noxious weeds and his deputies and such other expenses and disbursements as may be incurred in connection with the enforcement of any law relating to noxious weeds now in force or which may hereafter be enacted upon verified vouchers duly audited and approved and the Board of County Commissioners in each county may appropriate and set aside such a sum each year, as in the opinion of the Board, is necessary to pay the salary expenses and mileage of the commissioners of noxious weeds and their deputies, and the Board is authorized to levy a sufficient tax on all taxable property for such purposes.

§ 3. All acts and parts of acts in conflict with this act are hereby repealed.

§ 4. EMERGENCY.] Whereas there is now no adequate existing law providing for the appointment of a Weed Commissioner, and emergency is declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved March 10, 1921.

CHAPTER 140.

(H. B. No. 119—Roy Johnson.)

SOW THISTLES.

AN ACT Declaring Sow Thistles to be a Noxious Weed, Providing for its Destruction and Providing for the Payment of the Expense of its Destruction.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. WEEDS DECLARED NOXIOUS.] The plant known as perennial Sow Thistle is hereby declared to be noxious weed and common nuisance. No person or corporation owning, occupying or controlling land shall permit any perennial Sow Thistle to go to seed thereon or for more than two successive years to reproduce itself thereon by underground roots, stems or buds.

§ 2. It shall be the duty of every person or corporation, owning, occupying or controlling land within this State to destroy or cause to be destroyed, all the perennial sow thistle growing thereon.

§ 3. It shall be the duty of each Weed Commissioner appointed pursuant to the provisions of Section 624 of the Compiled Laws of North Dakota for the year 1913 and acts amendatory thereto to see that the provisions of this act are carried out within his district. For the purpose of enforcing the provisions of this act every Weed Commissioner appointed pursuant to the Laws of this State and his deputies and employees, are authorized and empowered to enter upon the premises of any person or corporation for the purpose of making investigation as to the existence of Sow Thistle upon said premises.

§ 4. When the Weed Commissioner of any district or his deputy or deputies, shall find growing upon any land within his district, any of the weeds known as perennial Sow Thistle, it shall be the duty of said Weed Commissioner or his deputy to give notice to the owner, lessee, occupant, agent or person having the care or charge of said land, requiring such owner, lessee, occupant, agent or person having the care or charge thereof, to cause the same to be cut down, pulled or destroyed on or before a date to be fixed in said notice, which shall not be less than ten days from the date of service or the posting of said notice; and in case such owner, lessee, occupant, agent or person having the care or charge thereof shall refuse or neglect to cut down, pull or destroy said Sow Thistle on or before the date fixed in said notice, then the said Weed Commissioner, his deputies and employees, shall enter upon the land and cause all said Sow Thistles to be cut down, pulled or destroyed, with as little damage to growing crops as may be; provided that the expense of such cutting, pulling and destruction shall not exceed one hundred dollars per 160 acres in each year and provide further that when said perennial Sow Thistle is growing upon land owned by a non-resident of the county in which said land is situated, and such owner has no agent known to the Weed Commissioner in the county in which said land is situated, said notice shall be posted in a conspicuous place on the land in view of the traveling public.

§ 5. Immediately after completing the cutting or destruction of Sow Thistle, pursuant to the provisions of this Act, the Weed Commissioner shall send by registered mail to the owner of the land on which said Sow Thistle was cut or destroyed, a statement of the expense of such cutting and removal, including a description of the land, verified by oath, which said statement shall contain a notice requiring the owner to pay the same within twenty days to the County Treasurer of the County wherein said real estate is located, and notifying him that unless the same is paid within twenty days, the same will become a lien upon said real estate. A copy of said notice, together with the proof of mailing or service, shall be at once filed with the County Auditor and if said amount is not paid within the time therein stated, said County Auditor shall

spread the same upon the tax roll prepared by him and said amount shall become a lien upon said real estate and be collected as other taxes are collected, and said real estate shall be sold for non-payment of said taxes the same as now or hereafter may be provided by law for the sale of real estate for delinquent taxes. Should the owner of said real estate not pay said charges within the stated time, the same shall be presented to the Board of County Commissioners by the County Auditor and by them allowed and paid out of the General Fund of said county by the County Treasurer and when said amount is collected as taxes it shall be paid into the general fund of said county. In case the owner of the land is not a resident of the county and his post office address cannot be ascertained by the Weed Commissioner, such notice shall be sent by registered mail to the person who last paid the taxes upon said land, the name and address of such tax payer to be furnished by the County Treasurer of the county in which such land is located.

§ 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

§ 7. EMERGENCY.] Whereas there is now no adequate law providing for the destruction of Sow Thistles within the State and the increasing growth of said Sow Thistle is becoming a menace to the farmers of this State, an emergency is declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved March 10, 1921.

WORKMEN'S COMPENSATION

CHAPTER 141.

(H. B. No. 22—Vogel.)

COMPENSATION.

AN ACT to Amend and Re-enact Section 3 of Chapter 162 of the Laws of North Dakota for the year 1919, Relating to the Payment of Compensation to Injured Employees, or their Dependents, and the Payment of Burial Expenses in the Event of Death Resulting from Injuries.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 3 of Chapter 162 of the Laws of North Dakota for the year 1919, relating to the payment of compensation to injured employees, or their dependents, and the payment of burial expenses in the event of death resulting from injuries, is hereby amended and re-enacted to read as follows, to-wit: