

WEEDS

CHAPTER 386

H. B. No. 914

(Loewen, Tescher, Einarson)

EMERGENCY AREAS

AN ACT

To amend and reenact section 63-01-17 of the North Dakota Century Code, relating to the establishment of emergency areas for the control of leafy spurge and perennial peppergrass, and declaring an emergency.

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

§ 1. **Amendment.)** Section 63-01-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

63-01-17. Establishment of Leafy Spurge and Perennial Peppergrass Emergency Areas—Control of Leafy Spurge and Perennial Peppergrass—Assessment for Failure.) The county commissioners of any county in this state upon the petition of a majority of all landowners residing in a township which petition determines that any area in the county has a prevalence of leafy spurge and perennial peppergrass shall declare such area to be an emergency leafy spurge and perennial peppergrass area. Upon declaring an emergency area the county commissioners shall give notice to the owner, lessee or occupant of any land, highway right-of-way, public utility right-of-way or game refuge in the emergency area that such land, or a part thereof, has been declared to be within a leafy spurge and perennial peppergrass emergency area and that such owner, lessee or occupant is required to immediately take action to “control” the leafy spurge and perennial peppergrass on such land on or before a date specified in such notice, which shall not be less than five days from the date the notice is received by the owner, lessee or occupant. Such notice shall be given by the county commissioners in the same manner as notice is given in section 63-02-08. If after giving such notice the owner, lessee or occupant of any land, highway right-of-way, public utility right-of-way or game refuge in an emergency area refuses or neglects to “control” the leafy spurge and perennial peppergrass on such land within the date specified in the notice, the board of county commissioners or their employees shall enter upon such land and cause the leafy

spurge and perennial peppergrass to be "controlled", and shall assess to each lot or parcel of land other than land owned by the state or a political subdivision, thirty percent of the cost of controlling such leafy spurge and perennial peppergrass, which shall not exceed three hundred and twenty dollars per quarter section in any three-year period. The owner may elect to pay such assessments in three equal annual installments with interest on the unpaid balance of three percent per year. Not more than three thousand dollars shall be spent for such purposes in any one year.

§ 2. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 17, 1961.