

fund as herein provided or out of any appropriation made for such purpose.

SEC. 13. Any of the amounts herein authorized to be expended or obligations incurred, whether such amounts are specifically named or otherwise are hereby appropriated: *Provided*, That at no time shall the total expenditures for capitol buildings and grounds, whether authorized under this act or any subsequent enactment, exceed the estimated value of the capitol land grant.

SEC. 14. An emergency exists and this act shall take effect immediately. Emergency.

Passed by the House February 24, 1911.

Passed by the Senate March 7, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 60.

[H. S. B. 240.]

TO PREVENT SPREAD OF NOXIOUS WEEDS.

AN ACT to prevent the spread of noxious weeds, relating to the duties of owners, lessees and occupants of land and of district road supervisors in connection therewith, providing a penalty for the violation thereof and amending sections 3038, 3039, 3040 and 3041 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That sections 3038, 3039, 3040 and 3041 of Remington and Ballinger's Annotated Codes and Statutes of Washington be and the same hereby are amended to read as follows:

Section 3038. It shall be the duty of every owner, lessee, occupant, or agent thereof, or of any person having the care and charge of any land or lands, improved or unimproved, enclosed or unenclosed, in this state, to cut down, or cause to be cut down, all noxious weeds growing thereon, or on any road, street or highway bordering thereon to the

[Amending
§ 3038,
Rem.-Bal.]

Duty of
owner.

center thereof, so often in each and every year as shall be certain to prevent them from going to seed, except that it shall require the cutting of "bull thistles" on all public roads and highways.

[Amending
§ 3039,
Rem.-Bal.]

Misdemeanor.

Section 3039. If any owner, lessee, occupant, agent or person having the care or charge of any such land or lands shall knowingly suffer any noxious weeds to grow thereon, or on any road, street or highway to the center thereof bordering on any such land or lands, and shall permit the seed of any such noxious weeds to ripen, he shall be guilty of a misdemeanor: *Provided*, That this section shall not apply to what is commonly known as "bull thistle" on lands not used for agricultural purposes outside of cities and towns.

[Amending
§ 3040,
Rem.-Bal.]

Duty of
supervisor.

Section 3040. It shall be the duty of each road supervisor in each road district in this state to see that the provisions of this act are carried out within their respective districts, and he shall give notice to the owner, lessee, occupant, agent or person having the care or charge of any land within his district whereon, or in any road, street or highway bordering thereon, any noxious weeds are growing, requiring such owner, lessee, occupant, agent or person having the care or charge thereof, to cause the same to be cut down within ten days from the service of such notice, and in case such owner, lessee, occupant, agent or person having the care or charge thereof shall refuse or neglect to cut down said noxious weeds within said ten days, then the said road supervisor shall enter upon the land, or on any road, street or highway bordering thereon, and cause all said weeds to be cut down with as little damage to growing crops as may be: *Provided*, That when such noxious weeds are growing upon land, or on any road, street or highway bordering thereon, of a non-resident of this state, and such owner has no known agent in the county in which such land is situate, said notice shall be posted in a conspicuous place on the land in view of the traveling public: *And provided*, That in case of noxious weeds growing on the right-of-way of any railroad within said road district, said notice may be

Non-resident
owner.

served on the section foreman in charge of the portion of the right-of-way within said district, or it may be served on any agent of the company in said county: *And provided further*, That in case such noxious weeds are growing on public lands, or on any road, street or highway bordering thereon, not occupied by a lessee, it shall be the duty of said supervisor to cut said weeds as herein provided, and the cost thereof shall be paid by said county out of the general fund: *And also provided further*, That if any such supervisor fails, neglects or refuses to perform or cause to be performed, any of the duties or services enumerated in this section, he shall be deemed guilty of a misdemeanor.

Cost paid
by county.

Section 3041. Each road supervisor shall keep an accurate account of the expenses incurred by him in carrying out the provisions of this act with respect to each parcel of land entered upon therefor, and shall offer or send by mail a statement of such expense, including a description of the land verified by oath, to the owner, lessee, occupant, agent or person having the care or charge thereof, if known, requiring him to pay the same within thirty days. In case payment thereof is not made within said time, the supervisor shall present said claim to the board of county commissioners, and, if the board finds the same accurate, it shall be ordered paid out of the road and bridge fund of said county.

[Amending
§ 3041.
Rem.-Bal.
Code.]

Paid from
road and
bridge fund.

Passed the House February 28, 1911.

Passed the Senate March 8, 1911.

Approved by the Governor March 10, 1911.