

LEGISLATIVE BILL 694

Approved by the Governor March 14, 1974

Introduced by Moylan, 6

AN ACT to amend sections 2-955 and 2-963, Reissue Revised Statutes of Nebraska, 1943, relating to weed eradication and control; to provide for general published notice in counties having three hundred thousand or more inhabitants; to change penalties; to repeal the original sections; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

Section 1. That section 2-955, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-955. (1) Notices for control and eradication of noxious weeds shall consist of two kinds: General notices and individual notices, on a form prescribed by the director. Failure to publish general weed notices or to serve individual notices as provided in this section shall not relieve any person from the necessity of full compliance with sections 2-952 to 2-965 and regulations thereunder.

(a) General notice shall be published by each control authority, in one or more legal newspapers of general circulation throughout the area over which the control authority has jurisdiction, on or before May 1 of each year and at such other times as the director may direct or the control authority may determine.

(b) Whenever any control authority finds it necessary to secure more prompt or definite control or eradication of weeds on particular land than is accomplished by the general published notice, it shall cause to be served individual notice upon the owner of record of such land at his last-known address, giving specific instructions and methods when and how certain named weeds are to be controlled or eradicated. Such methods may include definite systems of tillage, cropping, management, and use of livestock. In all counties having a population of three hundred thousand or more inhabitants, the control authority or the director may dispense with the individual notices and may publish general notices if published in one or more legal newspapers of general circulation throughout the area such control authority has jurisdiction. Such notice shall be published weekly for four successive weeks prior

to May 1 of each year or at such other times as the director or control authority deems necessary.

(2) Whenever the owner of the land on which noxious weeds are present has neglected or failed to control or eradicate them as required pursuant to sections 2-952 to 2-965 and any notice given pursuant to subsection (1) of this section, the control authority having jurisdiction shall have proper control and eradication methods used on such land, including necessary destruction of growing crops, and shall advise the record owner of the cost incurred in connection with such operation. The cost of any such control or eradication shall be at the expense of the owner. If unpaid for two months, or longer, the amount of such expense may become a lien on the property upon which the control and eradication measures were taken as a special assessment levied on the date of control or eradication and may be added to and become and form a part of the taxes upon such land and shall bear interest at the same rate as taxes. Nothing contained in this section shall be construed to limit satisfaction of the obligation imposed hereby in whole or in part by tax foreclosure proceedings. The expense may be collected by suit instituted for that purpose as a debt due the county or by any other or additional remedy otherwise available. Amounts collected under this section shall be deposited to the noxious weed control fund of the control authority.

(3) When it appears to a control authority that upon any tract of land under its jurisdiction there is an infestation of noxious weeds beyond the ability of the owner of such land to eradicate, the control authority, with the approval of the director, may quarantine such land and put into immediate operation the necessary means for the eradication of such noxious weeds including necessary destruction of growing crops. The control authority shall, prior to the entry upon such land, serve individual notice on the record owner of such quarantine and entry, and shall also advise the same persons of the completion of the eradication operation, and the cost thereof. The expense of such quarantine and eradication shall be borne as follows: One-third from any funds available to the director for the administration of sections 2-952 to 2-965; one-third from the noxious weed control fund of the control authority; and one-third from the person owning such land, which may be collected and deposited as provided in subsection (2) of this section.

Sec. 2. That section 2-963, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-963. Any person knowing of the existence of any noxious weeds on lands owned or controlled by him who fails to control or eradicate such weeds in accordance with sections 2-952 to 2-965 and rules and regulations prescribed under sections 2-952 to 2-965, and any person who intrudes upon any land under quarantine or who moves or causes to be moved any article covered by section 2-957 except as provided therein, or who prevents or threatens to prevent entry upon land as provided in section 2-961, or who interferes with the carrying out of the provisions of sections 2-952 to 2-965, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined ~~a sum not to exceed one~~ not less than fifty dollars nor more than five hundred dollars on account of each violation.

Sec. 3. That original sections 2-955 and 2-963, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.