

Opinion No. 243.**Noxious Weeds—State Highways—
Cost of Removal.**

HELD: The cost of removal of noxious weeds from state highways must be paid from the noxious weed fund as provided by Section 15, Chapter 195, Laws of 1939.

—————
July 11, 1940.

Mr. William P. Halloran
County Attorney
Anaconda, Montana

Dear Mr. Halloran:

You have asked my opinion on the question of the cost of the removal of noxious weeds from state highways.

In view of Section 15, Chapter 195, Laws of 1939, which reads:

“It shall be the duty of the commissioners to control noxious weeds and exterminate noxious weed seed on the highways and county owned land within the confines of the dis-

trict. The total cost of such control and extermination shall be paid from the 'noxious weed fund.'"

I am of the opinion that such cost must be paid from the "noxious weed fund." This language is broad enough to cover all highways, including state highways. Furthermore, I find no statute providing for payment otherwise.