

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2595

By: Fallin

AS INTRODUCED

An Act relating to agriculture; providing requirements for applying herbicide; requiring certain notice; prohibiting certain action; providing for application of section; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-260 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Any utility or municipality, county, agency of the state or other public entity or any agent thereof applying a herbicide for foliage control on any median, shoulder, easement, right-of-way or other such property subject to the control or jurisdiction of such utility or public entity shall apply the herbicide pursuant to the provisions of this section.

B. Prior to any use of the herbicide on any such property the utility or public entity shall notify the property owners adjacent to or the property owners of the median, shoulders, easement, right-of-way or other such property to be sprayed of the intent to use the herbicide. Such notice shall be in writing and shall be mailed at least thirty (30) days prior to the use of the herbicide on the

property. Any property owner or adjacent property owner has fifteen (15) days from the date of mailing to contest the application of the herbicide to the property or adjacent property. Any notice contesting such application shall be in writing and made to the utility or public entity applying the herbicide.

C. If the utility or public entity receives notice contesting the application of herbicide to any median, shoulder, easement, right-of-way or other such property, the utility or public entity shall not apply the herbicide to such property.

D. The provisions of this section shall not preclude any utility or municipality, county, state agency or other public entity from maintaining any such median, shoulder, easement, right-of-way or other such property by nonchemical methods.

E. Any application of herbicide by a utility or municipality, county, agency of the state or agent thereof for foliage control shall be made in such a manner as to protect any adjoining public or private property from damage and made in such a manner as to prevent pollution to the air, land and water.

SECTION 2. This act shall become effective September 1, 1994.

44-2-8066

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