

**EHB 1583**

**THE STATE SENATE**  
**Wednesday, March 25, 2009**

**ENGROSSED**

**House Bill No. 1583**

ENGROSSED HOUSE BILL NO. 1583 - By: Fields, Kouplén and Sherrer of the House and Justice of the Senate.

An Act relating to agriculture; creating the Weed Free Hay Certification Act; defining terms; providing for the promulgation of rules; specifying content of rules; authorizing the Commissioner of Agriculture to enter into certain agreements; authorizing the State Board of Agriculture to accept certain funds and to enter into certain agreements; providing for inspection; authorizing certain crops to be certified in certain circumstances; 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 3-211 of Title 2, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Weed Free Hay Certification Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-212 of Title 2, unless there is created a duplication in numbering, reads as follows:

As used in the Weed Free Hay Certification Act, unless otherwise stated:

1        1. "Hay" means any agricultural forage crop product whether  
2 cultivated or not cultivated, irrigated or nonirrigated, planted or  
3 naturally occurring;

4        2. "Noxious weeds" means those weeds, including any weed seed  
5 or propagative plant parts, designated by the State Board of  
6 Agriculture as noxious and are prohibited, and shall include those  
7 noxious weeds identified in Section 3-220 of Title 2 of the Oklahoma  
8 Statutes;

9        3. "Qualified inspector" means a person qualified to identify  
10 noxious weeds pursuant to standards promulgated by the Board;

11       4. "Weed free" means any hay certified as free of noxious  
12 weeds; and

13       5. "Weed-free certification" means hay inspected and certified  
14 as free of noxious weeds pursuant to standards adopted by the Board.

15       SECTION 3.        NEW LAW        A new section of law to be codified  
16 in the Oklahoma Statutes as Section 3-213 of Title 2, unless there  
17 is created a duplication in numbering, reads as follows:

18        The State Board of Agriculture shall promulgate rules to carry  
19 out the provisions of the Weed Free Hay Certification Act in  
20 accordance with the Administrative Procedures Act and shall include,  
21 but not be limited to, rules concerning:

22        1. Weeds designated as noxious are prohibited;

23        2. Procedures for certification of weed-free crops;

- 1        3. Qualification standards for persons seeking designation as
- 2 qualified inspectors;
- 3        4. Crop inspection procedures;
- 4        5. Treatment procedures for the eradication of viable noxious
- 5 weeds from crops;
- 6        6. Procedures for identifying and tracking certified weed-free
- 7 crops; and
- 8        7. Reasonable fees for obtaining certification.

9        SECTION 4.        NEW LAW        A new section of law to be codified  
10 in the Oklahoma Statutes as Section 3-214 of Title 2, unless there  
11 is created a duplication in numbering, reads as follows:

12        A. The Commissioner of Agriculture may enter into cooperative  
13 agreements with Oklahoma State University for the purpose of  
14 training qualified inspectors in the identification of those plants  
15 designated as noxious weeds by the State Board of Agriculture.

16        B. For purposes of carrying out the provisions of the Weed Free  
17 Hay Certification Act, the Board may accept funds from any agency of  
18 the federal government and may cooperate and enter into agreements  
19 with any federal agency, any agency of another state, and any agency  
20 of this state or its political subdivisions.

21        SECTION 5.        NEW LAW        A new section of law to be codified  
22 in the Oklahoma Statutes as Section 3-215 of Title 2, unless there  
23 is created a duplication in numbering, reads as follows:

1           A. Any crop for which weed-free certification is sought shall  
2 be inspected in the field of origin and the inspection shall include  
3 an inspection of any ditches, fence rows, roads, easements, rights-  
4 of-way, and buffer zones, as applicable, surrounding the field of  
5 origin.

6           B. Crops containing any weeds designated as noxious may be  
7 certified if certain conditions established in rules by the State  
8 Board of Agriculture are met.

9           SECTION 6. This act shall become effective November 1, 2009.

10 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,  
11 dated 3-23-09 - DO PASS.