

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3418

By: Pfeiffer

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 2011, Section 3-220, which relates to noxious weeds; modifying certain fee amount; specifying the Oklahoma Department of Agriculture, Food, and Forestry may perform certain inspections and require certain management plans; removing annual survey requirement; directing State Board of Agriculture to promulgate rules; specifying certain information be provided on Department's website; removing requirement to provide information at certain time; specifying the Department and certain university agent may perform certain evaluation and provide certain recommendations; authorizing the Board to promulgate rules; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 3-220, is amended to read as follows:

Section 3-220. A. 1. The plants musk thistle (*Carduus nutans* L.), Scotch thistle (~~*Onopordum*~~ *Onopordum* *acanthium* L.), and Canada thistle (*Cirsium arvense*) are designated as noxious weeds. The Legislature finds that these thistles are a public nuisance in all counties across this state.

1 2. It shall be the duty of every landowner in each county to
2 treat, control, or eradicate all Canada, musk, or Scotch thistles
3 growing on the landowner's land every year as shall be sufficient to
4 prevent these thistles from going to seed.

5 3. The Oklahoma Department of Transportation, the boards of
6 county commissioners, and any other public, private, or corporate
7 entity who shall maintain rights-of-way in the State of Oklahoma
8 shall be responsible for removing any thistle infestation that
9 occurs within their jurisdiction.

10 4. Failure of the landowner to treat, eradicate, or control all
11 musk, Canada, or Scotch thistle may result in a fine ~~not to exceed~~
12 ~~One Thousand Dollars (\$1,000.00) for each violation per day~~ assessed
13 pursuant to Section 2-18 of this title.

14 5. Upon written complaint, the ~~State~~ Oklahoma Department of
15 Agriculture ~~shall, Food, and Forestry may~~ inspect the type of
16 thistle infestation, assess the nature and extent of the thistle
17 infestation on the property of the landowner and ~~determine the most~~
18 ~~appropriate~~ shall require implementation of a thistle treatment,
19 ~~control, or eradication method available~~ management plan for the
20 type of thistle and location of the property for a minimum of three
21 (3) years.

22 B. The State Board of Agriculture shall:
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1 1. Promulgate rules setting categories or degrees of
2 infestation which would require specified treatment, control, or
3 eradication;

4 2. Include musk, Scotch, and Canada thistles as prohibited
5 noxious weed and weed seed pursuant to the Department's authority
6 and responsibility under Article 8 of the Oklahoma Agricultural
7 Code;

8 3. ~~By November 1, 2000, and annually thereafter prior to the~~
9 ~~growing season of musk, Scotch, and Canada thistles, complete an~~
10 ~~annual survey detailing the degree of infestation of these thistles~~
11 ~~across the state. The results of these surveys shall be reported to~~
12 ~~Oklahoma State University~~ Promulgate rules providing for the
13 development and implementation of short-term and long-term thistle
14 management plans; and

15 4. ~~In all counties of this state, provide~~ Provide information
16 ~~to newspapers of general circulation on the Department's website~~
17 stating that musk, Scotch, and Canada thistles are a public nuisance
18 and that it is the duty of every public, private, or corporate
19 landowner to treat, control, or eradicate these thistles growing on
20 any property owned by the landowner. ~~The information shall be~~
21 ~~provided at the beginning of the cycle of growth of the musk,~~
22 ~~Scotch, and Canada thistles and at other times as necessary to~~
23 ~~inform landowners of the provisions of this subsection. The~~
24 information ~~material~~ shall ~~also~~ include:

- 1 a. information detailing the process by which an
2 interested landowner may receive assistance ~~pursuant~~
3 ~~to this subsection~~ for the removal of thistles from
4 infested property,
- 5 b. the ~~telephone number~~ contact information of the
6 Department, and
- 7 c. a statement informing the landowner that failure to
8 remove musk, Scotch, and Canada thistles may subject
9 the landowner to legal action requiring the treatment,
10 control, or eradication of these thistles.

11 C. Upon request of ~~the~~ a landowner or the Department, the
12 designated Oklahoma State University extension agent for a
13 particular county ~~shall~~ may evaluate ~~or, if there is no extension~~
14 ~~agent for a particular county, the Department shall inspect~~ the type
15 of thistle infestation, assess the nature and extent of the thistle
16 infestation on the property of the landowner, and ~~determine~~
17 recommend the most appropriate thistle treatment, control, or
18 eradication method available for the type of thistle and location of
19 the property.

20 D. The Board may promulgate rules designating additional plants
21 as noxious weeds as necessary.

22 SECTION 2. This act shall become effective November 1, 2018.

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