

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1606

By: Sherrer

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6 AS INTRODUCED

7 An Act relating to agriculture; amending 2 O.S. 2011,
8 Section 3-220, which relates to the Weed Free Hay
9 Certification Act; requiring certain entities to
prevent certain weeds from going to seed; and
providing an effective date.

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

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

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

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

1 3. The Department of Transportation, the boards of county
2 commissioners, and any other public, private, or corporate entity
3 who shall maintain rights-of-way in the State of Oklahoma shall be
4 responsible for preventing musk, Canada, or Scotch thistles from
5 going to seed and for removing any thistle infestation that occurs
6 within their jurisdiction.

7 4. Failure of the landowner to treat, eradicate, or control all
8 musk, Canada, or Scotch thistle may result in a fine not to exceed
9 One Thousand Dollars (\$1,000.00) for each violation per day.

10 5. Upon written complaint, the State Department of Agriculture
11 shall inspect the type of thistle infestation, assess the nature and
12 extent of the thistle infestation on the property of the landowner
13 and determine the most appropriate thistle treatment, control, or
14 eradication method available for the type of thistle and location of
15 the property.

16 B. The Board shall:

17 1. Promulgate rules setting categories or degrees of
18 infestation which would require specified treatment, control, or
19 eradication;

20 2. Include musk, Scotch, and Canada thistles as prohibited
21 noxious weed and weed seed pursuant to the Department's authority
22 and responsibility under Article 8 of the Oklahoma Agricultural
23 Code;

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1 3. By November 1, 2000, and annually thereafter prior to the
2 growing season of musk, Scotch, and Canada thistles, complete an
3 annual survey detailing the degree of infestation of these thistles
4 across the state. The results of these surveys shall be reported to
5 Oklahoma State University; and

6 4. In all counties of this state, provide information to
7 newspapers of general circulation stating that musk, Scotch, and
8 Canada thistles are a public nuisance and that it is the duty of
9 every public, private, or corporate landowner to treat, control, or
10 eradicate these thistles growing on any property owned by the
11 landowner. The information shall be provided at the beginning of
12 the cycle of growth of the musk, Scotch, and Canada thistles and at
13 other times as necessary to inform landowners of the provisions of
14 this subsection. The information material shall also include:

- 15 a. information detailing the process by which an
16 interested landowner may receive assistance pursuant
17 to this subsection for the removal of thistles from
18 infested property,
- 19 b. the telephone number of the Department, and
- 20 c. a statement informing the landowner that failure to
21 remove musk, Scotch, and Canada thistles may subject
22 the landowner to legal action requiring the treatment,
23 control, or eradication of these thistles.

1 C. Upon request of the landowner or the Department, the
2 designated Oklahoma State University extension agent for a
3 particular county shall evaluate or, if there is no extension agent
4 for a particular county, the Department shall inspect the type of
5 thistle infestation, assess the nature and extent of the thistle
6 infestation on the property of the landowner, and determine the most
7 appropriate thistle treatment, control, or eradication method
8 available for the type of thistle and location of the property.

9 SECTION 2. This act shall become effective November 1, 2015.

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