

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1497

By: Pederson

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5
6 AS INTRODUCED

7 An Act relating noxious weeds; amending 2 O.S. 2011,
8 Section 3-220, which relates to noxious weeds;
9 clarifying statutory language; modifying fine;
10 allowing the Department of Agriculture, Food, and
11 Forestry to inspect and require a thistle management
12 plan; allowing the Department to provide certain
13 information on website; removing annual survey
14 requirement; requiring the State Board of Agriculture
15 to promulgate rules; authorizing the State Board of
16 Agriculture to promulgate rules; and providing an
17 effective date.

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

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

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

2. It shall be the duty of every landowner in each county to
treat, control, or eradicate all Canada, musk, or Scotch thistles

1 growing on the landowner's land every year as shall be sufficient to
2 prevent these thistles from going to seed.

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

8 4. Failure of the landowner to treat, eradicate, or control all
9 musk, Canada, or Scotch thistle may result in a fine ~~not to exceed~~
10 of no less than One Thousand Dollars (\$1,000.00) for each violation
11 per day.

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

20 B. The State Board of Agriculture shall:

21 1. Promulgate rules setting categories or degrees of
22 infestation which would require specified treatment, control, or
23 eradication;

24

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

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

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

- 22 a. information detailing the process by which an
23 interested landowner may receive assistance ~~pursuant~~

1 ~~to this subsection~~ for the removal of thistles from
2 infested property,

3 b. the ~~telephone number~~ contact information of the
4 Department, and

5 c. a statement informing the landowner that failure to
6 remove musk, Scotch, and Canada thistles may subject
7 the landowner to legal action requiring the treatment,
8 control, or eradication of these thistles.

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

18 D. The State Board of Agriculture may promulgate rules
19 designating additional plants as noxious weeds as necessary.

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

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