

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 HOUSE BILL 3186

By: Patzkowsky of the House

5 and

6 **Green** of the Senate

7
8 AS INTRODUCED

9 An Act relating to agriculture; amending 2 O.S. 2021,
10 Section 3-220, which relates to noxious weeds;
11 providing that poison hemlock and Kudzu are a noxious
weed; providing for the eradication of poison hemlock
and Kudzu; and providing an effective date.

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

14 SECTION 1. AMENDATORY 2 O.S. 2021, Section 3-220, is
15 amended to read as follows:

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

22 2. It shall be the duty of every landowner in each county to
23 treat, control, or eradicate all Canada thistles, musk thistles, ~~or~~
24 Scotch thistles, poison hemlock and Kudzu growing on the landowner's

1 land every year as shall be sufficient to prevent these thistles,
2 poison hemlock and Kudzu from going to seed.

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

8 4. Failure of the landowner to treat, eradicate, or control all
9 musk thistle, Canada thistle, ~~or~~ Scotch thistle, poison hemlock, or
10 Kudzu may result in a fine not to exceed One Thousand Dollars
11 (\$1,000.00) for each violation per day.

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

19 B. The State Board of Agriculture shall:

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

23 2. Include musk thistles, Scotch thistles, ~~and~~ Canada thistles,
24 poison hemlock and Kudzu, as prohibited noxious weed and weed seed

1 pursuant to the Department's authority and responsibility under
2 Article 8 of the Oklahoma Agricultural Code;

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

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

- 20 a. information detailing the process by which an
21 interested landowner may receive assistance pursuant
22 to this subsection for the removal of thistles, poison
23 hemlock and Kudzu from infested property,
24 b. the telephone number of the Department, and

1 c. a statement informing the landowner that failure to
2 remove musk thistles, Scotch thistles, ~~and~~ Canada
3 thistles, poison hemlock, and Kudzu may subject the
4 landowner to legal action requiring the treatment,
5 control, or eradication of these thistles, poison
6 hemlock and Kudzu.

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

17 SECTION 2. This act shall become effective November 1, 2024.

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19 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, dated 02/13/2024 - DO
20 PASS, As Coauthored.