

CHAPTER 53

(SB 170)

AN ACT relating to noxious weeds and invasive plants.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 176.051 is amended to read as follows:

- (1) The Department of Highways shall keep all state ~~rights-of-way~~~~[right-of-ways]~~ free of *all of the following, which are noxious weeds and invasive plants*:
- (a) The species of grass, Sorghum halepense, commonly known as Johnson grass;~~[- and -]~~
 - (b) The species of weed commonly known as giant foxtail;~~[- both of which are noxious weeds, and -]~~
 - (c) The thistles *Cirsium arvense* and *Carduus nutans*, commonly known as Canada thistles and nodding thistles, respectively;~~[-]~~
 - (d) Multiflora rose;~~[-]~~
 - (e) *Kudzu*;
 - (f) *Poison hemlock*;
 - (g) *Marestail*;
 - (h) *Amur honeysuckle*;
 - (i) *Japanese knotweed*; and
 - (j) *Common teasel*.~~[- wild cucumber, and black nightshade;]~~
- (2) ~~and, -]~~ Upon written request, *the department* shall give priority to *and shall cooperate with* any abutting property owner engaged in a program of eradication *by eradicating the noxious weeds and invasive plants identified in subsection (1) of this section, or in administrative regulations promulgated pursuant to subsection (4) of this section,* ~~[of Johnson grass, giant foxtail, Canada thistles, nodding thistles, multiflora rose, kudzu, wild cucumber, and black nightshade; and shall cooperate with the abutting owner by eradicating the Johnson grass, giant foxtail, Canada thistles, nodding thistles, multiflora rose, kudzu, wild cucumber, and black nightshade]~~ from abutting state ~~rights-of-way~~~~[right-of-ways]~~. The department shall take steps to eradicate this grass and these weeds or thistles by the use of chemicals or any other means found to be effective by the department.
- (3)~~(2)~~ The Department of Highways shall inform property owners of the availability of the eradication program. In carrying out this responsibility the department shall, no later than the first week in March of every year, advertise in each county, pursuant to the provisions of KRS Chapter 424 that the program is available. The department shall stipulate in the advertisement the place and manner in which an interested property owner may make a written request for inclusion in the program. *The department shall also promote awareness of the availability of the eradication program through the use of electronic media and the Cooperative Extension Service.*
- (4) (a) *The Department of Highways may by administrative regulation add noxious weeds and invasive plants to or delete them from the list of noxious weeds and invasive plants enumerated in subsection (1) of this section. In making a determination regarding a noxious weed or invasive plant, the department may consider the following:*
- 1. *The plant's ability to directly or indirectly injure or cause damage to crops, livestock, poultry, or other interests of agriculture;*
 - 2. *The plant's impact on the public health;*
 - 3. *The plant's impact on the environment; and*
 - 4. *The level of difficulty associated with controlling or eradicating the plant.*
- (b) *The department shall review this administrative regulation at least once every four (4) years.*

Signed by Governor April 7, 2014.