

CHAPTER 131

(HB 306)

AN ACT relating to pest and weed control.

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

➔Section 1. KRS 217B.110 is amended to read as follows:

- (1) If the application for renewal of any license or registration provided for in this chapter is not filed prior to *the renewal date established by the department*~~[March 1 in any year]~~, a penalty of twenty-five percent (25%) shall be assessed and added to the original fee and shall be paid by the applicant before the renewal is issued.
- (2) Any person holding a current valid license may renew the license for the next year without taking another examination unless the department determines that new knowledge related to classifications for which the applicant has applied makes a new examination necessary.~~[However, if the license is not renewed by June 1 of each year, then the licensee shall be required to take another examination.]~~
- (3) No license will be issued or renewed unless certification is valid for the calendar year or the applicant has met training requirements that will allow for a renewal of certification within the calendar year for the license.

➔Section 2. KRS 249.420 is amended to read as follows:

In addition to its other duties, the division shall promote and sponsor programs to control pests and noxious weeds, *shall* enforce related regulatory and service measures assigned to the department, and *may* conduct a *pest and noxious weed*~~[Johnson grass]~~ control~~[and eradication]~~ program.

➔Section 3. KRS 249.430 is amended to read as follows:

In order to perform the duties listed in KRS 249.420, the division may:

- (1) ~~[Utilize the services of a state advisory committee on Johnson grass control to be composed of persons interested in Johnson grass control appointed by the commissioner;~~
- ~~(2)~~ Issue and enforce regulations for the~~[eradication and]~~ control of noxious weeds~~[, including Johnson grass,]~~ and pests;
- ~~(2)~~~~(3)~~ Cooperate with county agricultural agents, vocational agricultural teachers, University of Kentucky extension specialists, civic groups, or any federal, state or county agency in promoting county programs and organizations to control~~[and eradicate]~~ noxious weeds and pests;
- ~~(4)~~ ~~Conduct or assist any governmental agency in conducting local or county wide surveys to determine the degree of Johnson grass infestation;~~
- ~~(3)~~~~(5)~~ Cooperate with federal or state agencies in research and educational work in the field of pest and noxious weed control;
- ~~(4)~~~~(6)~~ Assist counties in qualifying for cost-sharing programs to control~~[Johnson grass or other]~~ noxious weeds;
- ~~(5)~~~~(7)~~ Publicize the threat of noxious weeds and pests and methods of combating them;
- ~~(6)~~~~(8)~~ Cooperate with the Department of Highways, county fiscal courts, transportation and industrial organizations in controlling~~[Johnson grass and other]~~ noxious weeds on their premises and rights-of-way; *and*
- ~~(7)~~~~(9)~~ Accept funds or contributions to carry out the purposes of KRS 249.400 to 249.430.

➔Section 4. KRS 249.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of KRS 249.020 to 249.100 or hinders the carrying out of any of the provisions of those sections shall be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500).
- (2) Any fine imposed for a violation of subsection (4) of KRS 249.070 may be recovered in the county in which the nursery is situated or the county to which the nursery stock is shipped.

~~{(3) Any person who knowingly neglects or refuses to comply with the provisions of KRS 249.180 or 249.190 shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200). Each day of violation after the notice provided in KRS 249.190 shall be a separate offense.}~~

➔ Section 5. The following KRS sections are repealed:

249.180 Landholder to cut Canada thistles.

249.183 Canada and nodding thistle eradication areas, establishment, duties of agriculture department.

249.187 Thistles a public nuisance in eradication area, abatement.

249.190 Entry and cutting of thistles on failure of landholder -- Exemption.

249.195 Thistle eradication on highway and utility rights-of-way.

249.991 Penalties.

Signed by Governor April 8, 2022.