

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

- (1) The fiscal court of any county may, after notice and hearing, declare that a threat exists to the natural resource development and the agricultural economy of the county by reason of the growth and infestation of Canada thistles (*cirsium arvense*) or nodding thistles (*carduus nutans*) or both. The notice shall be given by publication pursuant to KRS Chapter 424. If after the hearing the fiscal court finds that thistles are a threat in its county it shall by resolution so declare and make a request to the State Department of Agriculture for assistance to eradicate thistles. A copy of the resolution shall be promptly certified and forwarded by the clerk of the court to the Commissioner of Agriculture.
- (2)
  - (a) Upon receipt of the resolution adopted pursuant to subsection (1) of this section the Commissioner of Agriculture shall promptly undertake the eradication of thistles in the county for which the resolution was adopted.
  - (b) The Commissioner shall appoint a county thistle control board consisting of three (3) citizens of the county to serve as advisers and to assist in the administration of this law and to perform such other duties as prescribed by the Commissioner. Members of the county thistle control board shall receive no salary but shall be reimbursed by the fiscal court for necessary expenses incurred in performance of their duties.
  - (c) The Commissioner of Agriculture, in any county declared a thistle eradication area under subsection (1) of this section may enter upon any lands for the purpose of inspecting same and to insure compliance with KRS 249.183 to 249.195 and 249.991. He may enter into cooperative agreements with state and federal agencies and departments for the furtherance of the control and eradication of thistles. He shall make all rules and regulations necessary to carry out the provisions of KRS 249.183 to 249.195 and 249.991.
  - (d) The Commissioner may give the notice prescribed by KRS 249.190 to any landowner and if the landowner fails to comply with that section he shall enter upon the land and cut, spray or take such other measures as he deems proper to eradicate the thistles. Notice to a landowner who does not reside in the county or who is unknown shall be given by posting of the notice on the land and at the front door of the court house in the county. The Commissioner may recover from the landowner the compensation fixed by KRS 249.190, for such eradication work. Any action for the recovery of such compensation shall be brought in the county in which the land is located and shall be governed by the Rules of Civil Procedure.
- (3) The fiscal court of any county declared a thistle eradication area under subsection (1) of this section may by resolution declare that the threat to natural resources and agricultural economy in the county has ceased to exist and upon the adoption of the resolution a copy thereof shall be delivered to the Commissioner of Agriculture. Upon receipt of a copy of the resolution, all work on eradication of thistles in the county under the direction of the Commissioner shall be discontinued.

- (4) In the administration of KRS 249.183 to 249.195 and 249.991 the Commissioner may employ such persons and delegate to them such powers as are necessary to carry out the purposes of KRS 249.183 to 249.195 and 249.991.
- (5) Neither the Commissioner of Agriculture nor any agent or other person acting under his direction shall be liable for any damages or injury to property or crops resulting from the administration or enforcement of KRS 249.183 to 249.195 and 249.991 unless the damage is caused by failure to exercise ordinary care to avoid or prevent the damage or injury.

**History:** Created 1968 Ky. Acts ch. 11, secs. 1, 2, 3, 5, and 6.