

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 290 OF 1997
HOUSE BILL 1243

4
5 By: Representatives Hunton, Hausam, Hendren, Bryant, McJunkin, George and Stewart

For An Act To Be Entitled

9 "AN ACT TO REPEAL ACT 383 OF 1983 (UNCODIFIED) WHICH MAKES
10 IT UNLAWFUL IN CERTAIN COUNTIES FOR LANDOWNERS TO PERMIT
11 THISTLE TO GO TO SEED ON THEIR PROPERTY; AND FOR OTHER
12 PURPOSES."

Subtitle

15 "AN ACT TO REPEAL ACT 383 OF 1983
16 (UNCODIFIED) WHICH MAKES IT UNLAWFUL IN
17 CERTAIN COUNTIES FOR LANDOWNERS TO
18 PERMIT THISTLE TO GO TO SEED ON THEIR
19 PROPERTY."

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23 SECTION 1. Act 383 of 1983, as amended by Act 909 of 1987 and Act 1151
24 of 1991, which is not included in the Arkansas Code, is repealed.

25 ~~"SECTION 1. It is unlawful for any owner of land in this State to allow~~
26 ~~musk thistle (*Carduus theomeri*) and bull or field thistle (*Cirsium species*)~~
27 ~~growing on his land to go to seed. Furthermore, it is the duty of each such~~
28 ~~landowner to eradicate such thistle and prevent the same from going to seed.~~

29 ~~SECTION 2. If a county judge is notified that such thistles growing on~~
30 ~~land in his county are nearing maturity, the county judge shall notify the~~
31 ~~owner of the land by certified mail return receipt requested to the last known~~
32 ~~address as reflected on the county tax records, and shall instruct the~~
33 ~~landowner that unless the landowner destroys the thistles within thirty (30)~~
34 ~~days from the acknowledgement date of the return receipt or the date of~~
35 ~~refusal of acceptance of the notice, the county judge will destroy such~~
36 ~~thistles at the landowners expense.~~

1 ~~SECTION 3. If such thistles are not cut, mowed, sprayed or otherwise~~
 2 ~~destroyed to the point that they will not produce seed within said thirty (30)~~
 3 ~~days, it shall be the duty of the county judge to eradicate such thistles so~~
 4 ~~as to prevent the seed from ripening, and for that purpose the county judge,~~
 5 ~~or his agents or employees, shall have authority to enter on such lands~~
 6 ~~without being liable to an action of trespass therefor. The County Judge~~
 7 ~~shall keep an accurate account of the expenses incurred in eradicating the~~
 8 ~~thistles and shall verify such statement and transmit the same to the county~~
 9 ~~clerk. The county clerk shall extend the aggregate expenses so charged~~
 10 ~~against each tract of land at a special tax, which shall then become a lien on~~
 11 ~~said lands, and be collected as ad valorem property taxes are collected by law~~
 12 ~~and deposited in county treasury as county general revenues.~~

13 ~~SECTION 4. This Act will apply to Benton, Boone and Washington Counties~~
 14 ~~only."~~

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 16 SECTION 2. All provisions of this act of a general and permanent nature
 17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 18 Revision Commission shall incorporate the same in the Code.

19
 20 SECTION 3. If any provision of this act or the application thereof to
 21 any person or circumstance is held invalid, such invalidity shall not affect
 22 other provisions or applications of the act which can be given effect without
 23 the invalid provision or application, and to this end the provisions of this
 24 act are declared to be severable.

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 26 SECTION 4. All laws and parts of laws in conflict with this act are
 27 hereby repealed.

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 30 APPROVED: 2-27-97
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