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HOUSE BILL NO. 2752

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on January 29, 2003)

(Patrons Prior to Substitute—Delegates Plum and Scott [HB 2814])

A BILL to amend the Code of Virginia by adding in Chapter 5 of Title 29.1 an article numbered 7, consisting of sections numbered 29.1-571 through 29.1-577, relating to nonindigenous aquatic species.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 5 of Title 29.1 an article numbered 7, consisting of sections numbered 29.1-571 through 29.1-577, as follows:

Article 7.

Nonindigenous Aquatic Nuisance Species Act.

§ 29.1-571. Definition.

"Nonindigenous aquatic nuisance species" means a nonindigenous aquatic freshwater animal species whose presence in state waters poses or is likely to pose a significant threat of harm to (i) the diversity or abundance of any species indigenous to state waters; (ii) the ecological stability of state waters; or (iii) the commercial, industrial, agricultural, municipal, recreational, aquacultural, or other beneficial uses of state waters. Nonindigenous aquatic nuisance species shall include the zebra mussel, quagga mussel, and all species of snakehead fishes of the family Channidae.

§ 29.1-572. Authority of Board; regulations.

The Board may promulgate regulations necessary to carry out the provisions of this article including, but not limited to, the designation of other nonindigenous aquatic nuisance species.

§ 29.1-573. Department; powers.

A. The Department may conduct operations and measures to suppress, control, eradicate, prevent, or retard the spread of any nonindigenous aquatic nuisance species. Such operations and measures shall be conducted subject to the appropriation of general funds authorized for the purpose of suppressing, controlling, eradicating, preventing, or retarding the spread of any nonindigenous aquatic nuisance species, or the receipt of funds designated for this purpose from private entities, local governments, political subdivisions, or federal grants.

B. In carrying out its powers, the Department may cooperate with any federal agencies, any agency of an adjacent state, any other state agencies, local governments, political subdivisions, and authorities within the Commonwealth. Other state agencies shall cooperate and provide assistance as requested by the Director in carrying out the purposes of this article.

§ 29.1-574. Prohibitions.

No person shall knowingly import, possess, transport, sell, purchase, give, receive, or introduce into the Commonwealth any member of a species designated as a nonindigenous aquatic nuisance species without a permit from the Director issued pursuant to § 29.1-575.

§ 29.1-575. Permits.

The Director may permit the importation, possession, purchase, receipt, or transportation of a nonindigenous aquatic nuisance species for purposes of research by recognized academic institutions or government agencies upon receiving satisfactory assurance that adequate safeguards will be maintained to prevent the escape or introduction of any such species into the Commonwealth.

§ 29.1-576. Authority for inspection; warrants.

To carry out the purposes of this article, the Director may obtain a warrant pursuant to § 19.2-52, or with the consent of the owner enter upon and conduct reasonable inspections of any property in the Commonwealth to determine if a nonindigenous aquatic nuisance species is present and to seize or eradicate any nonindigenous aquatic nuisance species found on such property.

§ 29.1-577. Penalties.

Any person who violates any provision of this article or who knowingly obstructs the Director or his designee in carrying out his lawful duties under this article shall upon such finding by a court of proper jurisdiction (i) be subject to a civil penalty of not more than \$25,000, which shall be paid into the Game Protection Fund established pursuant to § 29.1-101, and (ii) be liable for the costs of investigation, control, and eradication incurred by any state agency, local government, political subdivision, or authority as a result of such unlawful conduct.

2. That an emergency exists and this act is in force from its passage.

HOUSE SUBSTITUTE

HB2752H1