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HOUSE BILL NO. 804

House Amendments in [] — February 12, 1996

A BILL to amend and reenact §§ 3.1-296.12 and 3.1-296.13 of the Code of Virginia, relating to the regulation of noxious weeds.

Patron—Ruff

Referred to Committee on Agriculture

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-296.12 and 3.1-296.13 of the Code of Virginia are amended and reenacted as follows:

§ 3.1-296.12. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter.

(1) "Board" means the Board of Agriculture and Consumer Services.

(2) "Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services, or his authorized representatives.

(3) "Person" means any individual, partnership, firm, corporation, company, society, association, the Commonwealth or any department, agency, or subdivision thereof, or any other entity.

(4) "Noxious weed" means any living plant, not widely disseminated, or part thereof, declared by the Board through rules and regulations under this chapter, to be detrimental to crops, waterways surface waters, including lakes, or other desirable plants, livestock, land, or other property, or to be injurious to public health or the economy.

(5) "Quarantine" means a legal declaration by the Board that specifies:

(a) The noxious weed.

(b) The articles to be regulated.

(c) Conditions governing movement.

(d) Exemptions.

(6) "Infested" means the establishment of a noxious weed or exposure to such weed, which would be reasonable cause to believe that establishment could occur.

(7) "Move" means to ship, offer for shipment, receive for transportation, carry, or otherwise transport, move or allow to be moved.

(8) "Regulated article" means any article of any character as described in this chapter or in the quarantine carrying or capable of carrying a noxious weed against which this chapter or the quarantine is directed.

(9) "Certificate" means a document issued or authorized by the Commissioner indicating that a regulated article is not contaminated with a noxious weed.

(10) "Permit" means a document issued or authorized by the Commissioner to provide for movement of regulated articles to restricted destinations for limited handling, utilization, processing, or for scientific purposes.

§ 3.1-296.13. Powers and duties of Commissioner.

It shall be the duty of the Commissioner to exercise or perform the powers and duties imposed upon him by this chapter.

The Commissioner shall make surveys for noxious weeds and when the Commissioner determines that an infestation exists within the Commonwealth, he may request the Board to declare the weed to be noxious under this chapter and the Board shall proceed as specified in § 3.1-296.14.

The Commissioner [in coordination with the Department of Game and Inland Fisheries] shall develop [and implement] a plan for the identification and control of [hydrilla verticillata noxious weeds] in the surface waters and lakes of the Commonwealth.

The Commissioner may cooperate with any person or any agency of the federal government in carrying out the provisions of this chapter.

Expenses incurred on property owned or controlled by the federal government shall be reimbursed and refunded to the appropriation from which they were expended.

The Commissioner may, upon request, cooperate with federal, other State agencies or political subdivisions in the enforcement of the narcotics laws to the extent of preventing the spread of and destroying marijuana or hemp, Cannabis sps., or other plants that produce drugs which have been condemned for destruction under the narcotics laws, and the expenses incurred shall be reimbursed and shall be refunded to the appropriation from which they were expended. Such drug producing plants are hereby declared noxious and subject to all provisions of this chapter pertaining to eradication and spread

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60 subject to the above conditions.