

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 104

(By Mr. Bowling)

PASSED Feb. 24, 1969

In Effect July 1, 1969 Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-7-69

#104

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Senate Bill No. 104

(By MR. BOWLING)

[Passed February 24, 1969; in effect July 1, 1969.]

AN ACT to amend chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twelve-c, relating to the creation of an interagency committee on pesticides to study and to advise in the use of pesticides, and to recommend any needed legislation concerning pesticides.

Be it enacted by the Legislature of West Virginia:

That chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twelve-c, to read as follows:

ARTICLE 12C INTERAGENCY COMMITTEE ON PESTICIDES.

§19-12C-1. Title.

- 1 This article shall be known by the short title of "The
- 2 Interagency Pesticide Committee Act."

§19-12C-2. Definitions.

- 1 The following definitions shall apply in the interpre-
- 2 tation of this article:

- 3 (a) "Pesticides" shall include rodenticides, insecti-
- 4 cides, fungicides, nematocides, herbicides, and avicides.

- 5 (b) "Rodenticides" means any substance or mixture
- 6 of substances intended for preventing, destroying, re-
- 7 pelling, or mitigating any rodent.

- 8 (c) "Insecticide" means any substance or mixture of
- 9 substances intended for preventing, destroying, repell-
- 10 ing, or mitigating any insect.

- 11 (d) "Fungicide" means any substance or mixture of
- 12 substances intended for preventing, destroying, repelling,
- 13 or mitigating any plant parasitic fungus.

- 14 (e) "Nematocide" means any substance or mixture
- 15 of substances intended for preventing, destroying, repell-
- 16 ing, or mitigating plant parasitic nematodes.

17 (f) "Herbicide" means any substance or mixture of
18 substances intended for preventing, destroying, repelling,
19 or mitigating any weed.

20 (g) "Avicide" means any substance or mixture of sub-
21 stances intended for preventing, destroying, repelling or
22 mitigating any bird.

23 (h) "Rodent" means any animal of the order Rho-
24 dentia.

25 (i) "Insect" means any of the invertebrate animals,
26 for the most part belonging to the class insecta, charac-
27 terized by more or less obviously segmented bodies, six
28 legs and wings as, for example, beetles, bugs, flies, bees
29 and other allied classes of arthropods whose members are
30 wingless and usually have eight legs as for example
31 mites, ticks, wood lice, spiders and centipedes.

32 (j) "Fungus" means any non-chlorophyll bearing
33 challophyte, as for example rusts, smuts, mildews, molds,
34 yeasts bacteria and viruses, which is, or is capable of
35 becoming a plant parasite.

36 (k) "Nematode" means invertebrate animals of the
37 phylum nemathelminthes and class nematoda, that is

38 unsegmented round worms with elongated, fusiform or
39 sac-like bodies covered with cuticle and inhabiting soil,
40 water, plants or plant parts.

41 (l) "Weed" is a plant that is growing where it is not
42 wanted.

43 (m) "Bird" means any member of the phylum chordata,
44 class aves, that is animals characterized by being able
45 to fly and being covered with feathers.

§19-12C-3. Creation of committee.

1 There is hereby created an interagency committee on
2 pesticides to consist of the (1) commissioner of the de-
3 partment of agriculture, (2) director of the department
4 of natural resources, (3) director of the department of
5 public health, (4) director of the West Virginia Univer-
6 sity agricultural experiment station, and (5) director of
7 the air pollution control commission.

8 The commissioner of agriculture shall be chairman of
9 this committee. Each member of the committee may des-
10 ignate some person in his department to serve in his
11 stead on the committee.

§19-12C-4. Compensation of committee.

1 Members of this committee shall receive no compen-
2 sation for their services on this committee other than
3 that provided by law for their respective positions with
4 the state of West Virginia. All travel expenses shall be
5 paid out of regular appropriations of their respective
6 departments or agencies.

§19-12C-5. Schedule of meetings.

1 The committee shall meet at least once each year and
2 may hold additional meetings upon the call of the chair-
3 man. Four members shall constitute a quorum.

§19-12C-6. Duties of committee.

1 The committee shall (1) review the current use of
2 pesticides within the state of West Virginia; (2) review
3 pesticide programs to be sponsored or directed by a
4 governmental agency; (3) consider the problems arising
5 from pesticide use with particular emphasis on the pos-
6 sible adverse effects or hazards to human health, live-
7 stock, crops, fish and wildlife, or to business, industry,
8 agriculture, or the general public; (4) recommend legis-
9 lation to the governor, if appropriate, which will pro-

10 hibit the irresponsible use of pesticides; (5) contact and
11 collate the opinions of the various experts and lay groups
12 to obtain their views and cooperation; and (6) advise
13 on and approve all programs involving the use of pesti-
14 cides on state-owned property, state-controlled property,
15 or property administered by state agencies. This shall
16 not be construed to include research programs or to the
17 generally accepted and label-approved practices essential
18 to good farm and institutional management on the prem-
19 ises of the various state institutions.

§19-12C-7. Committee reports.

1 The committee shall prepare and forward detailed
2 report of its findings and recommendations to the gov-
3 ernor prior to the next session of the Legislature, after
4 passage, and prior to each regular session of the Legis-
5 tature thereafter.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William T. Egan

Chairman Senate Committee

Clayton C. Davidson

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1969.

Howard Myers

Clerk of the Senate

A. Blankenship

Clerk of the House of Delegates

John W. Moore

President of the Senate

Ivan F. Barnick

Speaker House of Delegates

The within *is approved* this the *4th* day of *March*, 1969.

Arch. D. Shaare, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 2/28/69

Time 10:00 A.M.

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA