

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-20-80

Time 5:00 p.m.

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1980**



**ENROLLED**

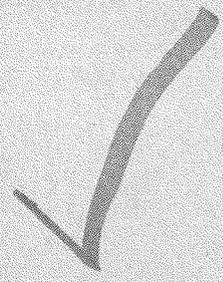
**SENATE BILL NO. 54**

(By Mr. Galperin)



PASSED March 7, 1980

In Effect July 1, 1980 Passage



No. 54

# ENROLLED

## Senate Bill No. 54

(By MR. GALPERIN)

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[Passed March 7, 1980; in effect July 1, 1980.]

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AN ACT to amend and reenact section eight, article twelve-d, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to establishment of program for eradication of the noxious weed known as multiflora rose; providing for a pilot research and testing program; and providing for cooperation among state agencies for purposes of control and ultimate eradication of multiflora rose.

*Be it enacted by the Legislature of West Virginia:*

That section eight, article twelve-d, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

### **ARTICLE 12D. WEST VIRGINIA NOXIOUS WEED ACT.**

#### **§19-12D-8. Cooperation with federal and state agencies; drug producing plants declared noxious; establishment of program for eradication of multiflora rose.**

- 1 (a) The commissioner is authorized to cooperate in any  
2 way with any person in order to prevent the establish-  
3 ment of noxious weeds in this state.
- 4 (b) The commissioner is authorized to cooperate in any  
5 way with any person in programs designed to suppress or  
6 control noxious weeds already widely distributed in the  
7 state without first declaring a quarantine.
- 8 (c) The commissioner may, upon request, cooperate  
9 with federal and state agencies and political subdivisions  
10 in the enforcement of the narcotic laws to the extent of  
11 preventing the spread of and destroying marijuana or  
12 hemp, *Cannabis* spp., or other plants which produce drugs

13 which have been condemned for destruction under the  
14 narcotics laws: *Provided*, That nothing herein shall  
15 authorize the commissioner to participate in a criminal  
16 investigation or prosecution under the Controlled Sub-  
17 stances Act or federal narcotic laws. Such drug producing  
18 plants are hereby declared noxious.

19 (d) It is hereby declared to be the policy of the  
20 Legislature to control, and ultimately to eradicate, in  
21 West Virginia the noxious weed known as multiflora rose,  
22 which, having been introduced into West Virginia, multi-  
23 plied and infested fields and meadows to the point where  
24 it defies eradication or control by means available to the  
25 average landowner.

26 The commissioner shall take any and all action neces-  
27 sary to eradicate the multiflora rose, *Rosa multiflora*,  
28 including but not limited to the commissioner's initiating  
29 a research and testing program.

30 The commissioner is therefore authorized to initiate a  
31 research and testing program for the control, and ulti-  
32 mately the eradication, of multiflora rose on suitable  
33 lands, public or private, which are infested by that nox-  
34 ious weed. The program may include control of any and  
35 all means by which multiflora rose is spread, whether by  
36 plant, animal or fowl, or by any other means. If the land  
37 to be used for the program is privately owned, then the  
38 owner must give his consent in writing to such use. In  
39 selecting the site for, and in conducting the program on  
40 the land the commissioner shall solicit the opinion of  
41 persons and groups affected by, or concerned about the  
42 proliferation of multiflora rose.

43 In conducting the program the commissioner shall use  
44 only such chemicals and other means that have been  
45 tested and determined to be reasonably safe for the  
46 purposes stated herein, and shall take all due care to  
47 avoid injury and damage to plant, animal and human life  
48 and health and to all structures of any kind on or near  
49 the site of the test program.

50 All agencies of state government and its political sub-  
51 divisions shall cooperate with the commissioner for the  
52 purposes stated herein, and the commissioner shall use

53 any public moneys available or appropriated for the pilot  
54 program. The commissioner may also use, as part of a  
55 cost-sharing program, any moneys contributed voluntarily  
56 by landowners, including persons whose land may be  
57 used for the program. The results of such programs shall  
58 be reported to the Legislature at its next regular session.

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

James L. Davis  
Chairman Senate Committee

Clarence C. Chestnut, Jr.  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1980.

Judd C. Willis  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. T. Brantley, Jr.  
President of the Senate

Clayton M. Lee, Jr.  
Speaker House of Delegates

The within is approved this the 20  
day of June, 1980.

John R. Roper  
Governor



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