

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-14-81

Time \_\_\_\_\_

No: 825

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



# ENROLLED

Com. Sub. for  
HOUSE BILL No. 825

(By Mr. Balloy )



Passed April 3, 1981

In Effect Ninety Days From Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 825**

(By MR. BALLOUZ)

[Passed April 3, 1981; in effect ninety days from passage.]

AN ACT to amend article twelve-d, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve, relating to making it unlawful to import, bring or move into the state or sell or offer or expose for sale or possess with intent to sell or offer or expose for sale in the state the noxious weed known as multiflora rose; providing criminal and civil penalties for violations; giving the state commissioner of agriculture certain authority with respect thereto; and providing a rule of construction.

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

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

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

**§19-12D-12. Unlawful to bring into state or sell or offer for sale multiflora rose; penalties; injunctive relief; authority of commissioner.**

1 Notwithstanding any other provisions of this code to the

2 contrary, it is unlawful for any person, firm or corporation  
3 to import or otherwise bring or move into this state or sell  
4 or offer or expose for sale or have in possession with intent  
5 to sell or offer or expose for sale in this state the noxious  
6 weed known as multiflora rose, *Rosa Multiflora*. Any person,  
7 firm or corporation violating the provisions of this section is  
8 guilty of a misdemeanor, and, upon conviction thereof, shall  
9 be fined not less than one thousand dollars, or confined in  
10 jail not more than one year, or both fined and imprisoned.  
11 In addition, the commissioner may obtain injunctive relief,  
12 along with a civil penalty of one thousand dollars, for any  
13 violation of this section in the circuit court of any county  
14 wherein such violation occurs. The commissioner shall not  
15 under any circumstances grant any permit for the sale in this  
16 state of or importation or other movement into this state of  
17 *Multiflora Rose, rosa multiflora*. The provisions of this section  
18 are in addition to the powers, duties and authority given to  
19 the commissioner elsewhere in this article and do not limit  
20 or abrogate in any way the powers and authority given the  
21 commissioner elsewhere in this article, except that the criminal  
22 penalties of this section apply to violations of this section and  
23 the penalty provisions of section eleven of this article do not  
24 apply thereto.

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

*[Handwritten Signature]*  
Chairman Senate Committee

*[Handwritten Signature]*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*[Handwritten Signature]*  
Clerk of the Senate

*[Handwritten Signature]*  
Clerk of the House of Delegates  
*[Handwritten Signature]*  
President of the Senate

*[Handwritten Signature]*  
Speaker House of Delegates

The within is approved this the 17  
day of April, 1981.

*[Handwritten Signature]*  
Governor

RECEIVED

APR 8 4 29 PM '81

OFFICE OF THE GOVERNOR

OFFICE OF STATE  
SECY. OF STATE

81 APR 16 3: 16

RECEIVED