WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED

Com. Sub. for
HOUSE BILL No. 825

(By Mr. Ballony)

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.

Notwithstanding any other provisions of this code to the
contrary, it is unlawful for any person, firm or corporation to import or otherwise bring or move into this state or sell or offer or expose for sale or have in possession with intent to sell or offer or expose for sale in this state the noxious weed known as multiflora rose, Rosa Multiflora. Any person, firm or corporation violating the provisions of this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one thousand dollars, or confined in jail not more than one year, or both fined and imprisoned. In addition, the commissioner may obtain injunctive relief, along with a civil penalty of one thousand dollars, for any violation of this section in the circuit court of any county wherein such violation occurs. The commissioner shall not under any circumstances grant any permit for the sale in this state of or importation or other movement into this state of Multiflora Rose, rosa multiflora. The provisions of this section are in addition to the powers, duties and authority given to the commissioner elsewhere in this article and do not limit or abrogate in any way the powers and authority given the commissioner elsewhere in this article, except that the criminal penalties of this section apply to violations of this section and the penalty provisions of section eleven of this article do not apply thereto.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within ________ this the ________ day of ________, 1981.

[Signature]
Governor