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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989



ENROLLED

SENATE BILL NO. 567

(By Senator Harrison)



PASSED April 4, 1989
In Effect from Passage

ENROLLED
Senate Bill No. 567
(BY SENATOR HARMAN)

[Passed April 4, 1989; in effect from passage.]

AN ACT to amend and reenact section one, article sixteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to adding serrated tussock weed to the definition of noxious weed seeds.

Be it enacted by the Legislature of West Virginia:

That section one, article sixteen, 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 16. AGRICULTURAL AND FOREST SEEDS.

§19-16-1. Definitions.

- 1 When used in this article:
- 2 (a) "Commissioner" means the commissioner of
3 agriculture of the state of West Virginia or his duly
4 authorized representatives;
- 5 (b) The term "person" shall include any individual,
6 partnership, corporation, company, society or
7 association;
- 8 (c) The term "agricultural seeds" shall include the
9 seeds of grass, forage, cereal, tobacco and fiber crops

10 and any other kinds of seeds commonly recognized
11 within this state as agricultural or field seeds and
12 mixtures of such seeds. Forest seeds shall include all
13 deciduous and coniferous trees and shrubs and
14 ornamentals;

15 (d) The term "vegetable seeds" includes the seeds of
16 those crops which are grown in gardens or on truck
17 farms and are generally known and sold under the
18 name of vegetable seeds in this state;

19 (e) The term "seed potato" shall refer to the Irish
20 potato (*Solanum tuberosum*);

21 (f) The term "weed seeds" shall include the seeds of
22 all plants generally recognized as weeds within this
23 state;

24 (g) Noxious weed seeds shall be divided into two
25 classes, "prohibited weed seeds" and "noxious weed
26 seeds," as defined in (1) and (2) of this subdivision:
27 *Provided*, That the commissioner of agriculture may,
28 through promulgation of regulations, add to or sub-
29 tract from the list of seeds included under either
30 definition whenever he finds that such additions or
31 subtractions are within the respective definitions;

32 (1) "Prohibited weed seeds" are the seeds of peren-
33 nial weeds which reproduce by seed, or spread by
34 underground roots or stems, and which when estab-
35 lished are highly destructive and difficult to control in
36 this state by ordinary cultural practice;

37 "Prohibited weed seeds" in this state are the seeds
38 of dodder (*Cuscuta* spp.), quack grass (*Agropyron*
39 *repens*), Johnson grass (*Sorghum halapense*), Canada
40 thistle (*Cardus arvensis*), perennial sow thistle
41 (*Sonchus arvensis*), serrated tussock (*Nassella*
42 *trichotoma*);

43 (2) "Noxious weed seeds" are the seeds of such
44 weeds as are very objectionable in fields, lawns or
45 gardens of this state, but can be controlled by good
46 cultural practice. "Noxious weed seeds" in this state
47 are the seeds of wild onion (*Allium vineale*), hawk
48 weed (*Hieracum* spp.), buckhorn (*Plantago lanceolata*),

49 English charlock or wild mustard (*Brassica arvensis*),
50 corn cockle (*Agrostemma githago*), oxeye daisy (*Chry-*
51 *santhemum leucanthemum*), Indian mustard (*Brassica*
52 *juncea*), star thistle (*Centurea solstitialis*), wild carrot
53 (*Daucus carota*), horse nettle (*Solanum carolinense*), field
54 pepper grass (*Lepidium compestre*), wild morning
55 glory (*Ipomea purpurea*), bindweed (*Convolvulus*
56 *arvensis*);

57 (h) The term "labeling" includes all labels and other
58 written, printed or graphic representation, in any
59 form whatsoever, accompanying and pertaining to any
60 seed whether in bulk or in containers, and includes
61 invoices;

62 (i) The term "advertisement" means all representa-
63 tion, other than those on the label, disseminated in
64 any manner or by any means, relative to seed within
65 the scope of this article.

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

Fredrick L. Parker
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Judd A. Miller
.....
Clerk of the Senate

Daniel T. Hoyle
.....
Clerk of the House of Delegates

James T. Tucker
.....
President of the Senate

Robert Clark
.....
Speaker House of Delegates

The within *is approved* this the *10th*
day of *April* 1989
Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/7/89

Time 5:17