WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

ENROLLED

SENATE BILL NO. 567

(By Senator Herman)

PASSED April 4, 1989
In Effect from Passage
ENROLLED
Senate Bill No. 567
(By Senator Harmon)

[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 agriculture of the state of West Virginia or his duly authorized representatives;

5 (b) The term "person" shall include any individual, partnership, corporation, company, society or association;

8 (c) The term "agricultural seeds" shall include the seeds of grass, forage, cereal, tobacco and fiber crops
and any other kinds of seeds commonly recognized within this state as agricultural or field seeds and mixtures of such seeds. Forest seeds shall include all deciduous and coniferous trees and shrubs and ornamentals;

d) The term “vegetable seeds” includes the seeds of those crops which are grown in gardens or on truck farms and are generally known and sold under the name of vegetable seeds in this state;

e) The term “seed potato” shall refer to the Irish potato (Solanum tuberosum);

f) The term “weed seeds” shall include the seeds of all plants generally recognized as weeds within this state;

g) Noxious weed seeds shall be divided into two classes, “prohibited weed seeds” and “noxious weed seeds,” as defined in (1) and (2) of this subdivision: Provided, That the commissioner of agriculture may, through promulgation of regulations, add to or subtract from the list of seeds included under either definition whenever he finds that such additions or subtractions are within the respective definitions;

(1) “Prohibited weed seeds” are the seeds of perennial weeds which reproduce by seed, or spread by underground roots or stems, and which when established are highly destructive and difficult to control in this state by ordinary cultural practice;

“Prohibited weed seeds” in this state are the seeds of dodder (Cuscuta spp.), quack grass (Agropyron repens), Johnson grass (Sorghum halapense), Canada thistle (Carduus arvensis), perennial sow thistle (Sonchus arvensis), serrated tussock (Nassella trichotoma);

(2) “Noxious weed seeds” are the seeds of such weeds as are very objectionable in fields, lawns or gardens of this state, but can be controlled by good cultural practice. “Noxious weed seeds” in this state are the seeds of wild onion (Allium vineale), hawk weed (Hieracum spp.), buckhorn (Plantago lanceolata),
English charlock or wild mustard (Brassica arvensis), corn cockle (Agrostemma githago), oxeye daisy (Chrysanthemum leucaanthemum), Indian mustard (Brassica juncea), star thistle (Centurea solstitialis), wild carrot (Daucus carota), horse nettle (Solanum carolinensis), field pepper grass (Lepidium compestre), wild morning glory (Ipomea purpurea), bindweed (Convolvulus arvensis);

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

(i) The term "advertisement" means all representation, other than those on the label, disseminated in any manner or by any means, relative to seed within the scope of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the day of April, 1979

Governor