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WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

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FOR

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FOR

Senate Bill No. 236

(SENATORS WILLIAMS, WHITE, STOLLINGS, CHAFIN,
D. FACEMIRE AND KESSLER, *original sponsors*)

[Passed March 13, 2010; in effect ninety days from passage.]

SB 236

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SECRETARY OF STATE

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-32-1, §19-32-2, §19-32-3, §19-32-4 and §19-32-5, all relating to promoting aquacultural development in West Virginia; creating the Aquaculture Development Act; providing definitions; setting forth Legislative findings and purpose; setting forth the powers and duties of the Department of Agriculture; creating the Aquaculture Advisory Board; and setting forth the duties of the board.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §19-32-1, §19-32-2, §19-32-3, §19-32-4 and §19-32-5, all to read as follows:

ARTICLE 32. AQUACULTURE DEVELOPMENT.

§19-32-1. Legislative findings and purpose.

1 The Legislature finds and declares that aquaculture has
2 the potential for reducing the United States trade deficit
3 in fisheries products, for augmenting food supplies, for
4 expanding employment, for promoting economic activity,
5 for improving public health, for augmenting existing
6 commercial and recreational fisheries and for producing
7 other renewable resources, thereby assisting West Virginia
8 and the United States in meeting its future food needs and
9 contributing to the solution of world resource problems.
10 It is, therefore, in the state's interest and it is state policy
11 to recognize aquaculture as agriculture and to encourage
12 the development of aquaculture in West Virginia.

§19-32-2. Short title.

1 This article shall be known as the Aquaculture Develop-
2 ment Act.

§19-32-3. Definitions.

1 As used in this article:

2 (1) "Aquaculture" means the propagation, rearing,
3 and/or use of aquatic species in controlled or selected
4 environments for private and or commercial purposes
5 related to food production, recreation, research, importa-
6 tion, exportation, marketing, transportation and science.

7 (2) "Aquaculture facility" means any land, structure or
8 other appurtenance that is used for aquaculture, includ-
9 ing, but not limited to, any laboratory, hatchery, rearing
10 pond, raceway, pen, incubator, or other equipment used in
11 aquaculture;

12 (3) "Aquatic species" means any species of finfish,
13 mollusk, crustacean, or other aquatic invertebrate, am-

14 phibian, reptile, or aquatic plant, and including, but not
15 limited to, “fish” and “fishes” as defined in this chapter.

16 (4) “Commissioner” means the Commissioner of Agricul-
17 ture;

18 (5) “Department” means the West Virginia Department
19 of Agriculture.

§19-32-4. Lead agency; powers and duties.

1 (a) Aquaculture is a form of agriculture and thus the
2 Department of Agriculture is designated as the lead state
3 agency in matters pertaining to aquaculture.

4 (b) The department shall have the following powers and
5 duties:

6 (1) To provide aquaculturalists with information and
7 assistance in obtaining permits related to aquacultural
8 activities;

9 (2) To promote investment in aquaculture facilities in
10 order to expand production and processing capacity;

11 (3) To work with appropriate state and federal agencies
12 to review, develop and implement rules, policies and
13 procedures to facilitate aquacultural development;

14 (4) To facilitate the formation of an Aquaculture Advi-
15 sory Board consistent with the provisions of section five of
16 this article;

17 (5) To coordinate the development and implementation
18 of a state aquaculture plan which shall include prioritized
19 recommendations for research and development as
20 suggested by the Aquaculture Advisory Board, the depart-
21 ment, public and private research institutions and the
22 West Virginia University Extension Service;

23 (6) To develop memoranda of agreement, as needed, with
24 the Department of Environmental Protection, the Division

Enr. Com. Sub. for Com. Sub. for S. B. No. 236] 4

25 of Natural Resources, the Department of Agriculture and
26 other groups as provided in the state aquaculture plan;
27 and

28 (7) To develop and propose to the Legislature, if neces-
29 sary, legislation required to implement the state
30 aquaculture plan and to otherwise encourage the develop-
31 ment of aquaculture in the state.

§19-32-5. Advisory board.

1 (a) There is created within the Department of Agricul-
2 ture the Aquaculture Advisory Board, to consist of the
3 following representatives:

4 (1) The Commissioner of Agriculture or the commis-
5 sioner's designee who shall serve as chairman of the board;

6 (2) A representative from the Division of Natural
7 Resources;

8 (3) A representative from the Department of Environ-
9 mental Protection;

10 (4) A representative from the West Virginia University
11 Extension Service;

12 (5) Two industry representatives currently conducting
13 for-profit aquaculture or aquaculture related activities in
14 West Virginia; and

15 (6) One at-large member appointed at the discretion of
16 the commissioner.

17 (b) Clerical and other assistance shall be provided by the
18 Department of Agriculture.

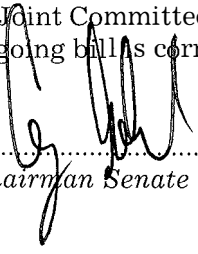
19 (c) The board shall review state and federal policies,
20 laws and regulations affecting aquaculture and recom-
21 mend changes which may be necessary or useful to carry
22 out the purposes of this article.

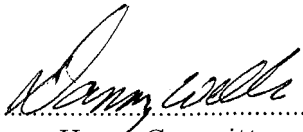
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23 (d) The board shall present its recommendations to the
24 Department of Agriculture.

Enr. Com. Sub. for Com. Sub. for S. B. No. 236] 6

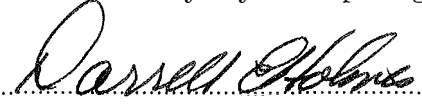
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

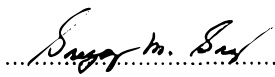

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Chairman Senate Committee

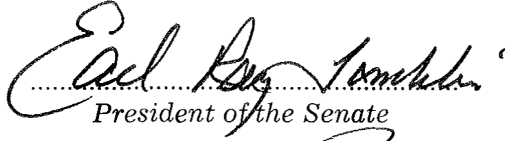

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Chairman House Committee

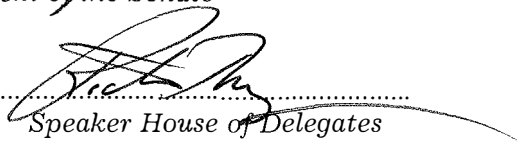
Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved..... this the.....
Day of....., 2010.


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Governor

PRESENTED TO THE
GOVERNOR

APR 01 2010

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