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ENROLLED
COMMITTEE SUBSTITUTE
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.]
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(SENATORS WILLIAMS, WHITE, STOLLINGS, CHAPIN, D. FACEMIRE AND KESSLER, original sponsors)

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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.


1 This article shall be known as the Aquaculture Development Act.


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-
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phibian, reptile, or aquatic plant, and including, but not limited to, "fish" and "fishes" as defined in this chapter.

(4) "Commissioner" means the Commissioner of Agriculture;

(5) "Department" means the West Virginia Department of Agriculture.

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

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

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

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

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

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

(4) To facilitate the formation of an Aquaculture Advisory Board consistent with the provisions of section five of this article;

(5) To coordinate the development and implementation of a state aquaculture plan which shall include prioritized recommendations for research and development as suggested by the Aquaculture Advisory Board, the department, public and private research institutions and the West Virginia University Extension Service;

(6) To develop memoranda of agreement, as needed, with the Department of Environmental Protection, the Division
of Natural Resources, the Department of Agriculture and other groups as provided in the state aquaculture plan; and

(7) To develop and propose to the Legislature, if necessary, legislation required to implement the state aquaculture plan and to otherwise encourage the development of aquaculture in the state.

§19-32-5. Advisory board.

(a) There is created within the Department of Agriculture the Aquaculture Advisory Board, to consist of the following representatives:

(1) The Commissioner of Agriculture or the commissioner's designee who shall serve as chairman of the board;

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

(3) A representative from the Department of Environmental Protection;

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

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

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

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

(c) The board shall review state and federal policies, laws and regulations affecting aquaculture and recommend changes which may be necessary or useful to carry out the purposes of this article.
23 (d) The board shall present its recommendations to the
24 Department of Agriculture.
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 ninety days 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 2nd Day of 2010.

Governor