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(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA
SECRETARY OF STATE
Charleston 25305

PROPOSED RULES

STATE REGISTER FILING

=====

AGENCY West Virginia Department of Agriculture

CONTACT PERSON William H. Gillespie PHONE 348-2203 or 3550

TYPE OF RULE Legislative

TITLE OF RULE Rules & Regulations Dealing with Noxious Weeds

CHAPTER 19 ARTICLE 12D SERIES XIVa

AUTHORITY W. Va. Code 19-12D-4

+++++

CHECK APPLICABLE ITEMS BELOW TO SHOW KIND OF ACTION BEING TAKEN

- NEW RULE
- AMENDMENTS TO EXISTING RULE
- REPEAL OF EXISTING RULE
- NOTICE OF HEARING
- NOTICE OF AGENCY APPROVAL (legislative rules only)
- NOTICE OF AGENCY ADOPTION (interpretive & procedural rules only)
- FINAL FILING
- FIRST EMERGENCY FILING
- SECOND EMERGENCY FILING

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STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

SECRETARY OF STATE

Gus R. Douglass
Commissioner

NOTICE OF FINAL FILING - LEGISLATIVE RULE

LEGISLATIVE RULE: Rules & Regulations Dealing with Noxious Weeds

The attached legislative rule is hereby final filed with the Secretary of State
by the West Virginia Department of Agriculture as authorized by Senate Bill

399 Section 64-2-19(12d) (4)

Gus R. Douglass
Agriculture Commissioner

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

STATE DEPARTMENT OF AGRICULTURE

Chapter 19-12D

General Index

for

SERIES XIV

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 9-7-84
Administrative Law Division

Noxious Weeds Act Regulations

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LEGISLATIVE

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

STATE DEPARTMENT OF AGRICULTURE

Chapter 10-12D

SERIES XIV

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE 9-10-84
Administrative Law Division

SUBJECT: Rules & Regulations Dealing with Noxious Weeds.

Section 1. General

1.01. Scope - These regulations amend, repromulgate and recodify administrative regulations governing noxious weeds. They set forth definitions, cooperative suppression activities, prohibitions and declare certain weeds to be noxious. These are LEGISLATIVE REGULATIONS.

1.02 Authority - These regulations are issued under authority of Chapter 19, Article 12D, Section 4 of the Code of West Virginia, as amended.

1.03 Filing Date - These regulations were filed in the office of the Secretary of State on the 10th day of September, 1984.

1.04. Effective Date - These regulations become effective on the ____ day of _____.

Section 2. Declaration of Policy

2.01. These regulations are promulgated to establish surveillance, suppression and control programs and to declare certain weeds noxious.

Section 3. Definitions

3.01. Cooperative suppression or control agreement means a written agreement entered into by the Commissioner and one or more other persons which defines the responsibilities of

each party and may include, but not be limited to, suppression or control procedures and methods, cost sharing, tenure of agreement and conditions.

Section 4. Cooperative Suppression and Control

4.01. When it has been determined that an infestation of a noxious weed exists for which suppression and control activities are practical, the commissioner may:

- a. Declare a quarantine, if necessary;
- b. Enter into cooperative suppression or control agreement with any person, or;
- c. Proceed with suppression or control activities.

Section 5. Declaration of Noxious Weeds

5.01. Surveys have shown that the following plants are a detriment to agriculture in West Virginia and are hereby declared to be noxious weeds: Johnson Grass (Sorghum halepense L.); Plumless Thistle (Carduus acanthoides L.); Curled Thistle (C. crispus L.) and Musk Thistle (C. nutans L.).

5.02. The plant known as Kudzu (Pueraria thunbergiana [S and Z] Benth.) is a detriment to agriculture in West Virginia and is hereby declared to be noxious, however, because Kudzu has a potential value as a forage crop, the commissioner may issue a permit for its cultivation. Such permit shall be issued by the commissioner upon application by a prospective grower who agrees to follow cropping practices prescribed by the commissioner. Such cropping practices shall include, but not be limited to, measures to prevent the spread of Kudzu to road sides, rights-of-

way or woodlands.

5.03. The plant known as Autumn Olive (Elaeagnus umbellata Thunb.) has become a detriment to agriculture in Barbour, Braxton, Cabell, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Kanawha, Lewis Marion, Mason, Monongalia, Pleasants, Putnum, Ritchie, Roane, Taylor Tyler, Upshur, Wetzell, Wirt and Wood counties and is hereby declared to be a noxious weed in these counties.

5.04. This section reserved for drug producing plants other than those listed in the West Virginia Noxious Weed Act.

(§19-12D-7)

Section 6 - Sale, Use or Distribution of Noxious Weed Plants
Prohibited.

6.01. The sale, use or distribution of noxious weed plants, except as provided for in 5.02 is prohibited in accordance with §-19-12D-7.

1 SENATE BILL NO. 382

2 (By Mr. R. Williams)

3
4 Introduced March 6, 1985;

5 referred to the Committee on Agriculture; then to the

6 Committee on the Judiciary

7
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9
10 A BILL to amend article two, chapter sixty-four of the code
11 of West Virginia, one thousand nine hundred thirty-one,
12 as amended, by adding thereto a new section, designated
13 section nineteen (twelve-d)(four), relating to
14 authorizing the commissioner of agriculture to
15 promulgate legislative rules relating to noxious weeds.

16 Be it enacted by the Legislature of West Virginia:

17 That article two, chapter sixty-four of the code of West
18 Virginia, one thousand nine hundred thirty-one, as amended,
19 be amended by adding thereto a new section, designated
20 section nineteen (twelve-d)(four), to read as follows:

21 ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE
22 LEGISLATIVE RULES.

23 §64-2-19(12d)(4). Commissioner of agriculture.

24 The legislative rules filed in the state register on the
25 tenth day of September, one thousand nine hundred
26 eighty-four, relating to the commissioner of agriculture

1 (noxious weed rules) are authorized.

2

3 NOTE: The purpose of this bill is to authorize the
4 commissioner of agriculture to promulgate legislative rules
5 relating to noxious weed.

6 This section is new; therefore, strike-throughs and
7 underscoring have been omitted.

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H. B. 1642

(By Delegate Casey)

(Introduced March 6, 1985; referred to the

Committee on Agriculture and Natural Resources with

the direction that it later be referred

to the Committee on the Judiciary.)

A BILL to amend article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section nineteen (twelve-d)(four), relating to authorizing the commissioner of agriculture to promulgate legislative rules relating to noxious weeds.

Be it enacted by the Legislature of West Virginia:

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ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE LEGISLATIVE RULES.

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Gus R. Douglass
 Agriculture Commissioner



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

Gus R. Douglass
Commissioner

PROMULGATION HISTORY ABSTRACT

RULE TITLE: Rules & Regulations Dealing with Noxious Weeds
RULE TYPE: Legislative
FILED NOTICE FOR PUBLIC HEARING: June 7, 1984
PUBLIC HEARING HELD: July 11, 1984
FILED AGENCY APPROVED RULE: September 10, 1984
FILED AGENCY APPROVED RULE WITH LRMRC: September 10, 1984
ACTION BY LRMRC: Approved December 4, 1984
LEGISLATIVE ACTION Passed April 13, 1985, Senate Bill 399
FINAL RULE FILED WITH SECRETARY OF STATE: May 31, 1985
EFFECTIVE DATE: May 31, 1985

A handwritten signature in cursive script, reading "Gus R. Douglass", is written over a horizontal line.

Gus R. Douglass
Agriculture Commissioner

ENTERED

WEST VIRGINIA LEGISLATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE
CHAPTER 19-12D
SERIES XIV a

GENERAL INDEX

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OFFICE OF THE SECRETARY OF STATE

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STATE DEPARTMENT OF AGRICULTURE
CHAPTER 19-12D
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SECRETARY OF STATE

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